



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Minutes

Monday November 22, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

1. 6:05 P.M Open Meeting

The Chairman opened the meeting at 6:00 P.M., the Board was introduced and the agenda was read.

2. New Business

- **Set Date for Hearing/National Grid Petition – 6 Progress Avenue**

National Grid submitted a petition to construct an underground conduit for service at 6 Progress Avenue.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lemoine to set the hearing date for Monday, December 6 at 6:05 P.M. at the Town Hall Community Room.

3. Old Business

- **NMCOG Extension of Contract for Affordable Housing Plan**

The Executive Director of the NMCOG has submitted a request for an extension to the contract dated December 20, 2006 between the Town of Tyngsborough and the Northern Middlesex Council of Governments (NMCOG) for the performance of certain technical and/or professional services related to the development of an Updated Housing Study for the Town of Tyngsborough. NMCOG requests that the completion date of the contract be extended from October 29, 2010 to March 31, 2011.

The Board voted 5-0 on Motion by Selectman Reault, second by Selectman Lemoine to grant and sign the extension of the contract.

- **Westford Road Development Agreement**

Westford Road Development, LLC has asked the Board to vote and sign a release of the 1987 development agreement that has been in effect since Trustees of Vesper Properties I Trust ("Vesper Properties") entered into on November 31, 1987. Vesper Properties sold the property to Sycamore Networks Real Estate, LLC. The Westford Road Development has a purchase agreement with Sycamore for the property. Since the Agreement has been in effect since 1987 and the property has changed in scope Westford Road Development would like a release of the old agreement and is prepared to enter into a new development agreement.

The Board voted 5-0 on a motion by Selectman Reault, second by Selectwoman Coughlin to defer to Monday December 6, 2010 meeting to discuss the fee structure.

- **Set Hearing Date for/The Tyngsborough Sports Center Entertainment License**

The Tyngsborough Sports Center has submitted a revised entertainment license to include holding the Martial Arts Exhibition at the Center. The previous license does not allow for the exhibition of martial arts competition nor does it cover the boxing/wrestling matches. Town Counsel's opinion was to either hold a hearing or the Board could just sign the revised license.

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to set a hearing date for the Tyngsborough Sports Center Entertainment License for Monday December 6, 2010 at 6:30 P.M. at the Town Hall Community Center.

The hearing is for the revised entertainment license held by the Tyngsborough Sports Center. The proprietor of the center is to present his operation plans for the specific MMA events and the existing emergency guide and augment it to include specifics of the planned events.

The law offices of Kopelman and Paige have been asked to help formulate a policy and procedure for the Town governing the issuance of Entertainment Licenses.

4. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

No Citizen or Business Representatives came before the Board this evening.

5. Approve Minutes

- **Monday October 25, 2010,**
- **Monday November 1, 2010,**
- **Monday November 8, 2010**
 - **Executive Session Minutes,**
 - **Monday October 25, 2010,**
 - **Monday November 1, 2010**

The Board deferred the approval of Minutes until Monday December 6, 2010.

6. Selectmen's Annual License Renewals

- **Common Victualler's License and Class I, Class II and Class III Licenses**

The Board deferred the approval of the license renewal until Monday December 6, 2010. The Board is waiting for the department comment request information.

7. Correspondence

The correspondence received this week was read by Selectman Reault, Clerk and included the following: Letter from Selectman Lemoine requesting information on Master Patrolman from Chief Mulligan; A report from Town Counsel listing all pending litigation and monthly report; NMCOG and ABCC hearing notices; Letters from Town Counsel, and ZBA and the Police Chief; the Recreation Dept asking to use the Littlefield Library for the holiday tree display; letters of interest from three residents wanting to serve on the Cultural Council; Board of Health meeting minutes; School Dept minutes; Insurance Certificate from Barbeque Inegrated; Meeting notices from NMCOG, Planning Board, Capital Assets Committee, Whitman Woods a 40B housing development, Greater Lowell Chamber of Commerce, Comcast, and Vortex; letters from Atty Lariviere re the Fleur De Lis/Cedar Street; Letter from the Planning Board's rebuttal to a comment made by the Assessor re submission of information; and a complaint letter from a resident concerning Thirsty's.

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as read for discussion.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lemoine to allow the Recreation Department the use of the Littlefield Library Building for their holiday festival of trees.

In the past the town had used the old town hall as a meeting place for the tree lighting activities, using the Littlefield Library building for the holiday festivities is a way to bring back the residents to town and to have the residents see and hear about the Town's history is a positive step into restoring the historic interest of the center.

The Board discussed the Planning Board's response to the Assessor Chair's comment in the reporting of ne building going on in town. The reporting information changes the computation of the amount of taxes generated. There is software available to assist in the reporting procedure of new building. It could be a priority for the new building commissioner to address.

8. Selectmen's Reports

- Selectman O'Neill – The Strategic Financial Planning Committee met on November 18 and has been working on a four year financial plan and when completed will present the document to the Board.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Inspections Working on finalizing a grant for supplying electricity to municipal buildings, will be meeting with Solar Partners to look at the program they are offering the town. Thank you to all of the citizens at the Town Meeting for supporting the Street Light Acquisition we are moving forward on the project.

- Selectman Reault – Northern Middlesex Council Of Government The Board voted to extend the contract with NMCOG on the Housing Plan and I am looking forward working with them in finalizing the report. Also I would like to congratulate Joe Pivrotto on his appointment as Chief in Groton NH. Joe was a patrolman in Tyngsborough.

- Selectman Lemoine – Economic Development It was great to see so many residents attending the Special Town Meeting, thank you to the Chair for a good meeting. I want to wish everyone a Happy Thanksgiving and to mention that if you see that someone will be alone invite them to share the day with you.

- Selectman Jackson – The Early Childhood Center Committee have not met in a while, they are looking for information on the population trend on children in the development that will come on line shortly. If there is a spike in population they may need to use the building as a school again. They also have concerns that some of the funding used for improvements to the building may be for school use only. Veterans' Day celebration was very moving and the event was well attended. I attended the open house at the High School for incoming freshmen was well planned and thank you to Principal Flanagan and Supt. Ciampa. On the Greater Lowell Technical High School FY12 assessment I am hoping to share the SFPC's request with the Superintendent.

9. Town Administrator's Reports

Report is available online at www.tyngsboroughma.gov

- Response to Selectmen's Requests

The Agreement with NMCOG to extend the deadline for completing the affordable housing study to March 31st and the new development agreement for Westford Rd project with comments from the departments are in your packets. The Board must either approve or set a date for a hearing for the request to amend the entertainment license at Tyngsborough Sports Center. The 45 day period expires December 12th. The Dracut Water Supply District is tentatively planning on attending the Board meeting on December 6th. The offer letter to Paul Welcome for the building commissioner's position is in your packet. Don Crowell will overlap with him for two or three days. There is a copy of an e-mail I've sent to our Cable Franchise Agreement counsel. It appears that the resident's concerns area misunderstanding of the agreement language.

- Budget

A final recapitulation sheet is being assembled, reflective of the Special Town Meeting appropriations. The board will have to sign the certification of the Tax Classification hearing at Monday night's meeting. The Capital Asset Management Committee has begun the process for updating the Five Year Plan. Attached is the request for information that was sent to departments last week.

- Departmental Information

You will find two substitute van drivers at the Senior Center. Both have been CORI and background checked. Thank you to the LRTA for their assistance in identifying substitute drivers. With the recent generous gift of a flat screen television to the Senior Center, we now have a surplus television. A request has gone out to departments to see if this property can be utilized elsewhere. Otherwise, we will surplus it off to the highest bidder via an advertisement on Channel 8 and the Town website. Resumes for the Highway clerk have been provided. Attached is a list of candidates who Jim and I would like to bring in for interview.

- Other

You will find copies of the Memorandums of Agreement for the 4 town collective bargaining units. I have discussed integration of each document and will be working with each union to complete integration in advance of negotiations for the period beginning July 1, 2011. Highlights are as follows:

- One year agreements
- 0% wage increases for Fiscal Year 2011
- Include the restoration of hours for Town Services
- Include transfers of custodial positions to the Highway Union
- Include restructuring of the Police Department

I am in discussions with Town Departments regarding the impact of restored hours on work schedules and service availability. A complete report will be finalized next week. As we begin license renewals, at the suggestion of Town Counsel we are soliciting comment from affected Town departments. We are closing out the contract portion of the campground project. The contractor will be submitting a quote for work to stabilize the river bank per the engineer's recommendation (outside the scope of the contract). We are also evaluating other low-impact alternatives to do this work.

10. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss collective bargaining and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 7:30 PM

11. Adjournment

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 9:50 PM.

Respectfully Submitted,

Therese Gay
Admin Assistant

Approved on Monday December 20, 2010

Questions contact – Brian Sweeney 781-907-3296

Petition of the NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

2010 OCT 18 10:43

BRIAN SWEENEY
TYNGSBORO, MA.

To The Board of Selectman of Tyngsboro ,Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

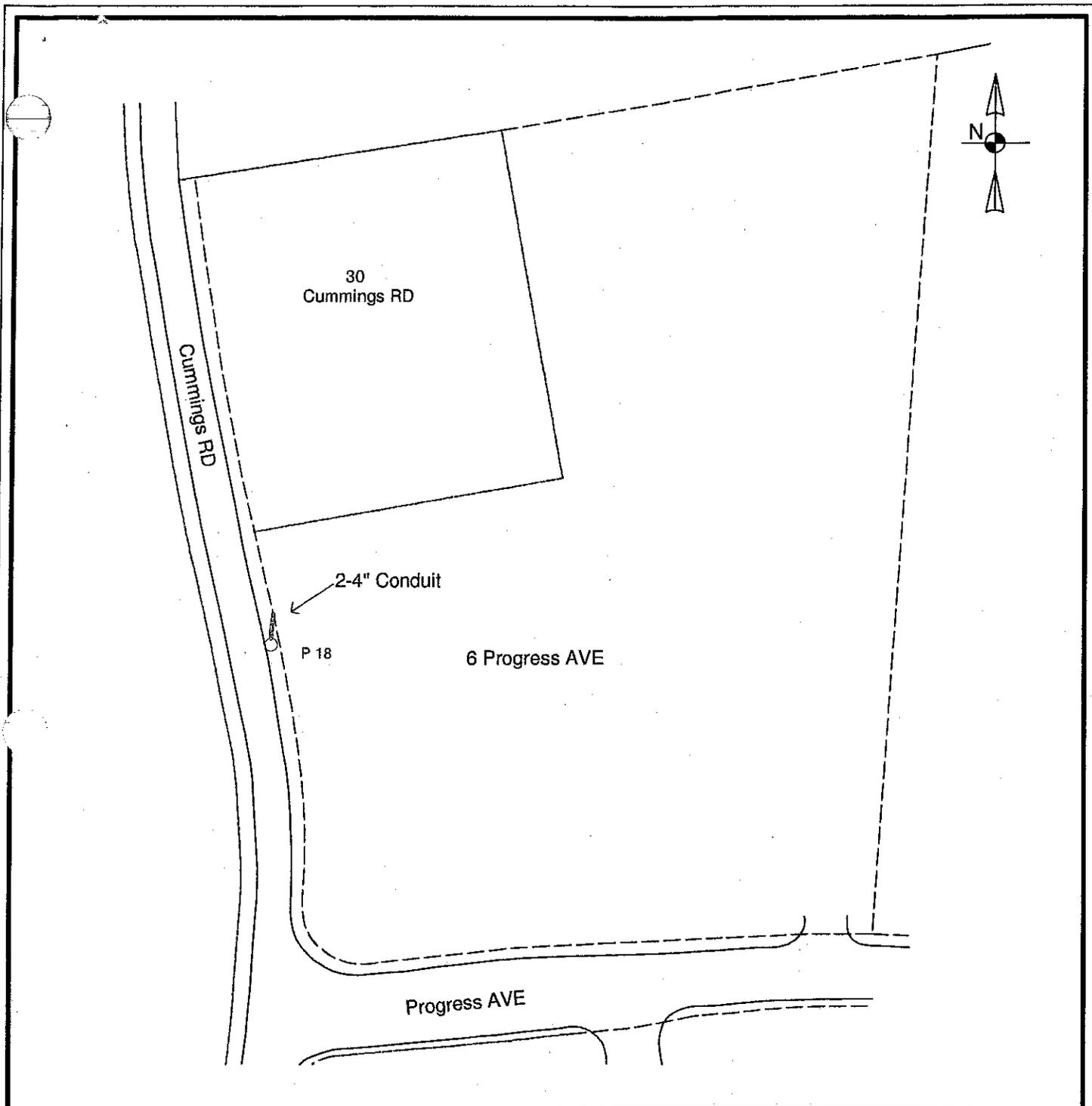
Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Progress Ave- Tyngsboro Massachusetts

The following are the streets and highways referred to: 8804822 -Progress Ave 2-4" conduits for the service of 6 Progress Ave.

Location approximately as shown on plan attached

NATIONAL GRID
BY Deven Alhanson *MA*
Engineering Department

Dated: October 15, 2010



ELECTRIC DISTRIBUTION CONSTRUCTION PETITION

LEGEND

○ Existing J/O Pole

— 2-4" conduit

nationalgrid Tyngsborough, MA
WR #8804822

Date: 10/14/2010 Drawn By: B. Sweeney

To the Town of Tyngsborough, MA

**Sketch to Accompany Petition for:
2-4" conduits for the service of 6 Progress AVE,
Tyngsborough, MA.**

DRAWING NOT TO SCALE. DISTANCES ARE APPROXIMATE.

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10/19/10
Re: Request for Comment

TYPE OF LICENSE: To construct underground Conduit

APPLICANT(S) NAME: National Grid

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: Streets & Highways RE: 6 Progress Ave

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10/28/10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No comment

Prepared by: William F. Mulligan (Print)
Signature: _____

Date: 10/21/10

Department Head: William F. Mulligan (Print)
Signature: William F. Mulligan

Date: 10/21/10

- | | | | |
|-----|--------------------------------------|---------------------------------------|---|
| Cc: | <input type="checkbox"/> ACO | <input type="checkbox"/> Conservation | <input type="checkbox"/> TFD |
| | <input type="checkbox"/> Assessors | <input type="checkbox"/> DPW | <input checked="" type="checkbox"/> TPD |
| | <input type="checkbox"/> ZBA | <input type="checkbox"/> Historical | <input type="checkbox"/> Town Clerk |
| | <input type="checkbox"/> Health | <input type="checkbox"/> Planning Bd. | <input type="checkbox"/> Other (_____) |
| | <input type="checkbox"/> Bldg. Comm. | <input type="checkbox"/> Planner | |
| | <input type="checkbox"/> Collector | <input type="checkbox"/> Sewer Comm. | |

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10 / 19 / 10
Re: Request for Comment

TYPE OF LICENSE: To construct underground Conduit

APPLICANT(S) NAME: National Grid

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: Streets & Highways RE: 6 Progress Ave

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10 / 28 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: OK

Prepared by: _____ (Print) Date: ___ / ___ / ___
Signature: _____

Department Head: Dale Thompson (Print) Date: 10 / 26 / 10
Signature: [Signature]

- | | | | |
|-----|--------------------------------------|---------------------------------------|---|
| Cc: | <input type="checkbox"/> ACO | <input type="checkbox"/> Conservation | <input type="checkbox"/> TFD |
| | <input type="checkbox"/> Assessors | <input type="checkbox"/> DPW | <input type="checkbox"/> TPD |
| | <input type="checkbox"/> ZBA | <input type="checkbox"/> Historical | <input type="checkbox"/> Town Clerk |
| | <input type="checkbox"/> Health | <input type="checkbox"/> Planning Bd. | <input checked="" type="checkbox"/> Other (<u>Water Dept</u>) |
| | <input type="checkbox"/> Bldg. Comm. | <input type="checkbox"/> Planner | |
| | <input type="checkbox"/> Collector | <input type="checkbox"/> Sewer Comm. | |

REQUEST FOR COMMENT FORM

2010 OCT 21 PM 11:33
TOWN OF DUNSTON
DUNSTON, MASSACHUSETTS

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10/19/10
Re: Request for Comment

TYPE OF LICENSE: To construct underground Conduit

APPLICANT(S) NAME: National Grid

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: Streets & Highways RE: 6 Progress Ave

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10/28/10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No Comment

Prepared by: Allen T. Cyrscaden (Print)
Signature: [Signature]

Date: 10/20/10

Department Head: Same (Print)
Signature: _____

Date: ___ / ___ / ___

- | | | |
|--------------------------------------|---|--|
| Cc: <input type="checkbox"/> ACO | <input type="checkbox"/> Conservation | <input type="checkbox"/> TFD |
| <input type="checkbox"/> Assessors | <input type="checkbox"/> DPW | <input type="checkbox"/> TPD |
| <input type="checkbox"/> ZBA | <input type="checkbox"/> Historical | <input type="checkbox"/> Town Clerk |
| <input type="checkbox"/> Health | <input type="checkbox"/> Planning Bd. | <input type="checkbox"/> Other (_____) |
| <input type="checkbox"/> Bldg. Comm. | <input type="checkbox"/> Planner | |
| <input type="checkbox"/> Collector | <input checked="" type="checkbox"/> Sewer Comm. | |

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10 / 19 / 10
Re: Request for Comment

TYPE OF LICENSE: To construct underground Conduit

APPLICANT(S) NAME: National Grid

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: Streets & Highways RE: 6 Progress Ave

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10 / 28 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: TFD TO BE NOTIFIED IF ROAD HAS TO BE CLOSED.

Prepared by: P. SANDS (Print)
Signature: [Signature]

Date: 10 / 19 / 10

Department Head: [Signature] (Print)
Signature: [Signature]

Date: 10 / 19 / 10

- | | | | |
|-----|--------------------------------------|---------------------------------------|---|
| Cc: | <input type="checkbox"/> ACO | <input type="checkbox"/> Conservation | <input checked="" type="checkbox"/> TFD |
| | <input type="checkbox"/> Assessors | <input type="checkbox"/> DPW | <input type="checkbox"/> TPD |
| | <input type="checkbox"/> ZBA | <input type="checkbox"/> Historical | <input type="checkbox"/> Town Clerk |
| | <input type="checkbox"/> Health | <input type="checkbox"/> Planning Bd. | <input type="checkbox"/> Other (_____) |
| | <input type="checkbox"/> Bldg. Comm. | <input type="checkbox"/> Planner | |
| | <input type="checkbox"/> Collector | <input type="checkbox"/> Sewer Comm. | |



Northern Middlesex Council of Governments

October 28, 2010

NOV 2 11 11 AM
TYNGSBOROUGH, MA

A Multi-Disciplinary
Regional Planning
Agency Serving:

Michael Gilleberto, Town Administrator
Tyngsborough Town Hall
25 Bryants Lane
Tyngsborough, MA 01879-1042

illerica
helfmsford
racut
unstable
owell
pperell
wly
ngsborough
estford

Dear Mr. Gilleberto:

I am hereby requesting an extension to the contract dated December 20, 2006, between the Town of Tyngsborough and the Northern Middlesex Council of Governments (NMCOG) for the performance of certain technical and/or professional services related to the development of an Updated Housing Study for the Town of Tyngsborough. NMCOG requests that the completion date of the contract be extended from October 29, 2010 to March 31, 2011.

Assuming the Town of Tyngsborough agrees to this proposed extension, please endorse both original copies of this letter. Retain one copy for your files and return one copy to NMCOG.

Should you have any questions or require additional information, please do not hesitate to contact me.

mes G. Silva
air
verly A. Woods
ecutive Director

Sincerely,

Beverly A. Woods
Beverly A. Woods
Executive Director

cc: Jay J. Donovan, NMCOG
Assistant Director

Church Street
ite 200
well, MA
352-2686
L: (978) 454-8021
X: (978) 454-8023
w.nmcog.org

The Town of Tyngsborough hereby agrees to amend the Updated Housing Study contract as described above.

Date

Michael Gilleberto, Town Administrator

/lb

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 11 / 24 / 10
Re: Request for Comment

TYPE OF LICENSE: Keegan Properties Trust Agreement

APPLICANT(S) NAME: Westford Rd Development

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: 215 Middlesex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 12 / 20 / 10

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: The Planning Board has no comments.

Prepared by: Pamela Berman (Print) Date: 10 / 22 / 10
Signature: Pamela C. Berman

Department Head: Steven A. Nocco (Print) Date: 11 / 18 / 2010
Signature: [Signature]

- | | | |
|--------------------------------------|--|--|
| Cc: <input type="checkbox"/> ACO | <input type="checkbox"/> Conservation | <input type="checkbox"/> TFD |
| <input type="checkbox"/> Assessors | <input type="checkbox"/> DPW | <input type="checkbox"/> TPD |
| <input type="checkbox"/> ZBA | <input type="checkbox"/> Historical | <input type="checkbox"/> Town Clerk |
| <input type="checkbox"/> Health | <input checked="" type="checkbox"/> Planning Bd. | <input type="checkbox"/> Other (_____) |
| <input type="checkbox"/> Bldg. Comm. | <input type="checkbox"/> Planner | |
| <input type="checkbox"/> Collector | <input type="checkbox"/> Sewer Comm. | |

RECEIVED

Tyngsborough
Planning Board

10-15-10

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 12/14/10
Re: Request for Comment

TYPE OF LICENSE: Vapor Protection Trust Agreement

APPLICANT(S) NAME: 9 Kes Road Rd Development

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: 315 Middlebury Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 12/22/10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: NO ACTION NEEDED

Prepared by: P. SANDS (Print)
Signature: [Signature]

Date: 12/19/10

Department Head: [Signature] (Print)
Signature: TIM MOORE

Date: 12/19/10

- | | | |
|--------------------------------------|---------------------------------------|---|
| Cc: <input type="checkbox"/> ACO | <input type="checkbox"/> Conservation | <input checked="" type="checkbox"/> TFD |
| <input type="checkbox"/> Assessors | <input type="checkbox"/> DPW | <input type="checkbox"/> TPD |
| <input type="checkbox"/> ZBA | <input type="checkbox"/> Historical | <input type="checkbox"/> Town Clerk |
| <input type="checkbox"/> Health | <input type="checkbox"/> Planning Bd. | <input type="checkbox"/> Other (_____) |
| <input type="checkbox"/> Bldg. Comm. | <input type="checkbox"/> Planner | |
| <input type="checkbox"/> Collector | <input type="checkbox"/> Sewer Comm. | |

REQUEST FOR COMMENT FORM

RECEIVED
OCT 14 2010

TYNGSBOROUGH
TOWN COLLECTOR

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10/14/10
Re: Request for Comment

TYPE OF LICENSE: Varper Permits Trust Agreement
APPLICANT(S) NAME: Westford Rd Development
OWNER(S) NAME: _____
NAME OF BUSINESS: _____
BUSINESS ADDRESS: 315 Meddley Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10/20/10

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: While Westford Rd Devl. owes no delinquent taxes, several other companies with Mr. Erikson as a principal due. He has made recent payments (substantial amounts) & informed me he will be in with \$20,000 next week if the closing goes through. At this time, I have no legal grounds or objections to this project.

Prepared by: GOS (Print) Date: 10/15/10
Signature: GOS

Department Head: Gene R. Spickler (Print) Date: 10/15/10
Signature: Gene R. Spickler

- | | | |
|---|---------------------------------------|--|
| Cc: <input type="checkbox"/> ACO | <input type="checkbox"/> Conservation | <input type="checkbox"/> TFD |
| <input type="checkbox"/> Assessors | <input type="checkbox"/> DPW | <input type="checkbox"/> TPD |
| <input type="checkbox"/> ZBA | <input type="checkbox"/> Historical | <input type="checkbox"/> Town Clerk |
| <input type="checkbox"/> Health | <input type="checkbox"/> Planning Bd. | <input type="checkbox"/> Other (_____) |
| <input type="checkbox"/> Bldg. Comm. | <input type="checkbox"/> Planner | |
| <input checked="" type="checkbox"/> Collector | <input type="checkbox"/> Sewer Comm. | |

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10/14/10
Re: Request for Comment

TYPE OF LICENSE: Keep Robert's Trust Agreement

APPLICANT(S) NAME: Westland TFD Development

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: 315 Middlesex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10/30/10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: NO comment

Prepared by: William F. Mulligan (Print)
Signature: William F. Mulligan

Date: 10/21/10

Department Head: William F. Mulligan (Print)
Signature: William F. Mulligan

Date: 10/21/10

- | | | |
|--------------------------------------|---------------------------------------|---|
| Cc: <input type="checkbox"/> ACO | <input type="checkbox"/> Conservation | <input type="checkbox"/> TFD |
| <input type="checkbox"/> Assessors | <input type="checkbox"/> DPW | <input checked="" type="checkbox"/> TPD |
| <input type="checkbox"/> ZBA | <input type="checkbox"/> Historical | <input type="checkbox"/> Town Clerk |
| <input type="checkbox"/> Health | <input type="checkbox"/> Planning Bd. | <input type="checkbox"/> Other (_____) |
| <input type="checkbox"/> Bldg. Comm. | <input type="checkbox"/> Planner | |
| <input type="checkbox"/> Collector | <input type="checkbox"/> Sewer Comm. | |

TOWN OF TYNGSBOROUGH
APPLICATION FOR WEEKDAY ENTERTAINMENT

Date: 10/27/10

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Tyngsboro Sports Center

Address: 18 Progress Ave
Tyngsboro, MA 01879

Weekday Entertainment at the above mentioned establishment will include the following:

- Dancing by patrons
- Vocalists
- Disc Jockey
- Jukebox
- Orchestra (please state number of pieces)
- (5) Bands (please state number of pieces)
- Floor Show (please describe)
- _____
- _____
- _____ Television
- _____ Radio/Stereo
- _____ Piped in Music
- _____ OTHER: (please describe fully)
- _____ See Attached
- _____

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	<u>9A</u>	to	<u>2A</u>
Tuesday	<u>9A</u>	to	<u>2A</u>
Wednesday	<u>9A</u>	to	<u>2A</u>
Thursday	<u>9A</u>	to	<u>2A</u>
Friday	<u>9A</u>	to	<u>2A</u>
Saturday	<u>9A</u>	to	<u>2A</u>

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee:



1. Charitable Tournaments
2. Charitable Fundraising Events (Socials, Dances, etc)
3. Non-gambling and Charity Poker Tournaments
4. Flea Markets
5. Trade Shows
6. Mixed Martial Arts events
7. Wrestling events
8. Birthdays (Children and Adult)
9. Other Public Amusement events
10. Sleep-ins

3 of 4 PENDING APPLICATION

TOWN OF TYNGSBOROUGH
APPLICATION FOR SUNDAY ENTERTAINMENT

Date: 10/27/10

2010 OCT 27 11:13 AM
TOWN OF TYNGSBOROUGH, MA

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Tyngsboro - Sports Center

Address: 18 Progress Ave
Tyngsboro, ma 01879

Weekday Entertainment at the above mentioned establishment will include the following:

- Dancing by patrons
 - Vocalists
 - Disc Jockey
 - Jukebox
 - Orchestra (please state number of pieces)
 - (5) Bands (please state number of pieces)
 - Floor Show (please describe)
 - Television
 - Radio/Stereo
 - Piped in Music
 - OTHER: (please describe fully)
- See attached

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

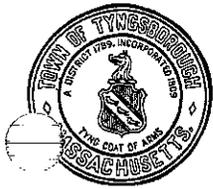
HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Sunday ~~1:00 P.M.~~ to 9Am to 2Am

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: [Signature]

1. Charitable Tournaments
2. Charitable Fundraising Events (Socials, Dances, etc)
3. Non-gambling and Charity Poker Tournaments
4. Flea Markets
5. Trade Shows
6. Mixed Martial Arts events
7. Wrestling events
8. Birthdays (Children and Adult)
9. Other Public Amusement events
10. Sleep-ins



William F. Mulligan
Chief of Police

Town of Tyngsborough

Police Department
20 Westford Road

Tyngsborough, Massachusetts 01879-0549



TEL: (978) 649-7504
FAX: (978) 649-2324

To: Michael Gilberto, Board of Selectmen
From: Chief William F. Mulligan
Re: Tyngsborough Sports Center
Date: November 8, 2010

On Saturday November 6, 2010 The Tyngsborough Sport Center held the Tournament of Champions. This was a MMA fighting event. The department had two officers assigned to this detail. This was the second event of this kind the first which was uneventful.

During one of the fights one groups of males started to argue with another group of males. Both groups were in support of their fighter. This lead to one subject punching another subject, there were approximately 1000 people attending this event. One of the officers working the detail stepped in to control the group. There were approximately 10-15 people being disorderly yelling and pushing.

The detail Officers requested assistances at 11:02P.M., the department requested mutual aid from the area police departments. Both the Nashua and Dunstable Police Department responded to the area.

The two groups made their way outside where four individuals enter a vehicle, one of these four individual was involved in the fight. This vehicle left the area at a high rate of speed a Tyngsborough Police Officer followed the vehicle. The officer was able to stop the vehicle he was able to charge the operator with a number of motor vehicle violations.

There were no major injuries. This case is still being investigated for any additional charges.

I wanted to bring this to you and the Board of Selectmen attention. I have spoken to the owner of the Tyngsborough Sport Center. I have advised him if there are to be future events I would request a minimum of 4 officers working the detail.

of 3

* CURRENTLY IN EFFECT

**COMMONWEALTH OF MASSACHUSETTS
Town of Tyngsborough**

This is to certify that Tyngsboro Sports Center, 18 Progress Ave, Tyngsborough, MA

**IS HEREBY GRANTED
A WEEKDAY/SUNDAY ENTERTAINMENT LICENSE**

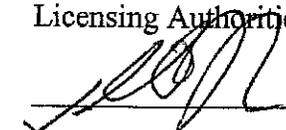
For the following purposes: Indoor Sports Facility .

At the following described premises: Two story indoor sport center

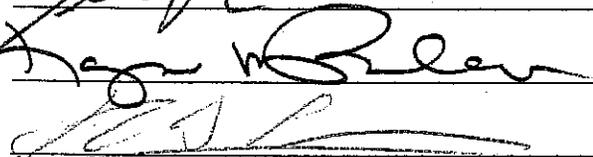
in said Town of Tyngsborough and at that place only and expires December 31, 2010, unless sooner suspended or revoked for violation of the laws of the Commonwealth. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140, and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.

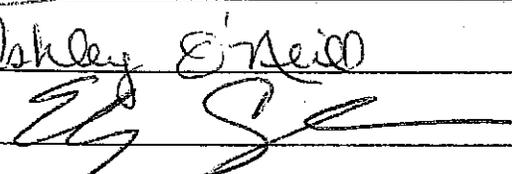
Licensing Authorities



 Dan Wilson



 Ashley O'Neill



License: WE73

Date Issued: 11/30/2009

2 of 3 (SEE 1)

TOWN OF TYNGSBOROUGH
APPLICATION FOR WEEKDAY ENTERTAINMENT \$100.00

Date: 12/2/09

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a weekday entertain license for:

Establishment: TYNGSBORO SPORTS CENTER

Address: 18 PROGRESS AVE
TYNGSBORO, MA

Weekday Entertainment at the above mentioned establishment will include the following:

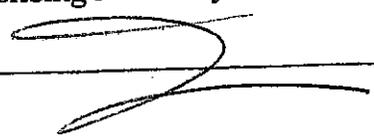
- Dancing by patrons
- Vocalists
- Disc Jockey
- Jukebox
- Orchestra (please state number of pieces)
- (5) Bands (please state number of pieces)
- Floor Show (please describe)
- Television
- Radio/Stereo
- Piped in Music
- OTHER: (please describe fully)
COMMERCIAL RECREATION

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	<u>9A</u>	to	<u>2A</u>
Tuesday	<u>9A</u>	to	<u>2A</u>
Wednesday	<u>5A</u>	to	<u>2A</u>
Thursday	<u>9A</u>	to	<u>2A</u>
Friday	<u>9A</u>	to	<u>2A</u>
Saturday	<u>9A</u>	to	<u>2A</u>

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: 

TOWN OF TYNGSBOROUGH
APPLICATION FOR SUNDAY ENTERTAINMENT

\$100.00

Date: 12/2/09

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: TYNGSBORO SIMS CENTER

Address: _____

Weekday Entertainment at the above mentioned establishment will include the following:

- Dancing by patrons
- Vocalists
- Disc Jockey
- Jukebox
- Orchestra (please state number of pieces)
- Bands (please state number of pieces)
- Floor Show (please describe)
- _____
- _____
- Television
- Radio/Stereo
- Piped in Music
- OTHER: (please describe fully)
- Commercial Beer Room
- _____
- _____

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Sunday 1:00 P.M. to 11 PM

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: _____


of 3 (APPLICATION THAT WAS REQUESTED TO BE WITHDRAWN AS UNNECESSARY BY THE TOWN OF TYNGSBOROUGH IN FEB. 2010)

TOWN OF TYNGSBOROUGH
APPLICATION FOR WEEKDAY ENTERTAINMENT

Date: 1/21/10

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a weekday entertain license for:

2010 JAN 21 3:28
TOWN OF TYNGSBOROUGH, MA.

Establishment: Tyngsboro Sports Center, Inc.

Address: 18 Progress Avenue
Tyngsboro, MA 01879

Weekday Entertainment at the above mentioned establishment will include the following:

- Dancing by patrons
- Vocalists
- Disc Jockey
- Jukebox
- Orchestra (please state number of pieces)
- Bands (please state number of pieces)
- Floor Show (please describe)

- Television
- Radio/Stereo
- Piped in Music
- OTHER: (please describe fully)

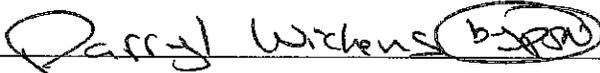
mixed martial arts, wrestling, comedy,
flea markets, fund raisers, charitable tournaments
and other public amusement events.

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	<u>11am</u> to <u>2am</u>
Tuesday	<u>11am</u> to <u>2am</u>
Wednesday	<u>11am</u> to <u>2am</u>
Thursday	<u>11am</u> to <u>2am</u>
Friday	<u>11am</u> to <u>2am</u>
Saturday	<u>9am</u> to <u>2am</u>

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: Darryl Wickens 

of 3
TOWN OF TYNGSBOROUGH
APPLICATION FOR SUNDAY ENTERTAINMENT

Date: 11/21/10

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Tyngsboro Sports Center, Inc.

Address: 18 Progress Avenue
Tyngsboro, MA 01879

2010 JAN 21 11:31:23
TOWN OF TYNGSBOROUGH, MA.

Weekday Entertainment at the above mentioned establishment will include the following:

- Dancing by patrons
- Vocalists
- Disc Jockey
- Jukebox
- Orchestra (please state number of pieces)
- Bands (please state number of pieces)
- Floor Show (please describe)

- Television
- Radio/Stereo
- Piped in Music
- OTHER: (please describe fully)

mixed martial arts, wrestling, comedy,
fla markets, fund raisers, charitable tournaments
and other public amusement events.

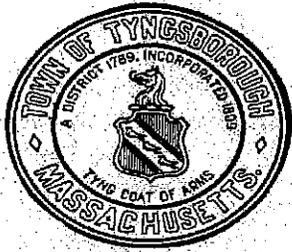
Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Sunday ~~1:00 P.M. to 12:00 A.M.~~ 9am to 2am

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: Darcy Wickens by PM



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

Board of Selectmen Meeting Minutes

Monday February 8, 2010

6:00 P.M.

Town Offices

Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Ashley O'Neill, Selectwoman Karyn Puleo, Selectwoman Elizabeth Coughlin.

Staff Members Present: Interim Town Administrator Norman Thidemann and Admin Assistant Therese Gay.

Finance Committee Members Present: John Griffin, Kenneth Times III, Jacqueline Schnackertz, and Robert Mullin. Member Absent: Colleen Gabriel

Chairman Lemoine called the meeting to order. The Finance Committee voted 4-0 to open their meeting on a motion by Member Times, second by Member Mullin. The Board of Selectmen and the Finance Committee were introduced. Selectwoman O'Neill read the agenda.

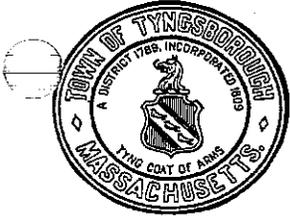
1. 6:00 P.M. Entertainment License Request – Tyngsboro Sports Center, 18 Progress Ave. In reviewing the documents it was discovered that the Center already has a Weekday and Sunday Entertainment Licenses. Their Attorney withdrew the application.

2. 6:15 P.M. Review of the Town Department Budget Requests – Selectmen Finance Committee Members:

6:15 P.M.	Accountant	7:05 P.M.	Police
6:25 P.M.	Planning Board	7:35 P.M.	Fire
6:35 P.M.	Recreation Department	8:05 P.M.	Highway
6:45 P.M.	Library	8:35 P.M.	Sewer
6:55 P.M.	Council on Aging	9:05 P.M.	Capital Asset Management Committee

The Board of Selectmen and the Finance Committee Members met with the various Department Managers to discuss their budget. Each Department Manager presented a level funded budget. Because of the uncertainty of the State's financial woes the Board will be working with the various departments about budget cuts as needed. The Board of Selectmen and the Finance Committee Members thanked the Department Managers for their presentation. The Finance Committee adjourned their meeting at 8:05 P.M. on a motion by Member Kenneth Times, second by Member Robert Mullin.

3. Citizen/Business Time



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Minutes

DRAFT

Monday November 8, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

1. 5:00 P.M. Interview/Building Commissioner

The Board interviewed the first of the two finalists for the Building Commissioner's position. The Board thanked the applicant for coming in.

The Chairman opened the meeting at 6:00 P.M., the Board was introduced and the agenda was read.

2. 6:00 P.M Tax Classification Hearing

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to open the advertised hearing. Selectman Reault read the legal notice, the Chairman asked the Board of Assessors to come forward and make their presentation. The Assistant Assessor read through the presentation information. After the question and answer period the Board of Selectmen voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to approve the factor of one (1) for the fiscal year 2011.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to close the hearing.

3. Citizen Time

No one came forward this evening.

4. Accept Selectmen Meeting Minutes/Executive Session Minutes

- Monday October 04, 2010
- Monday October 18, 2010

The Board of Selectmen voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to approve the minutes of Monday October 4 and the minutes of Monday October 18 and the executive session minutes of Monday October 4 and Monday October 18. Discussion, Selectman Jackson has asked that the prior year executive session minutes be placed on the web site and that the approved executive session upon release be placed on the website with the accompanying correspondence.

5. Correspondence

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as submitted. The Board invited the Dracut Water Supply District to their next scheduled meeting.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Reault to enter into a 7:00 P.M. Work Session to discuss and recommend the Special Town Meeting Warrant Articles with

the Board of Selectmen, to continue with the 7:30 Interview and at the end of the interview, to enter into Executive Session to discuss collective bargaining and to return to open session only to Town. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 8:45 PM

6. 6:30 P.M. Finance Committee

- STM Warrant Articles/Review and Recommendations

The Finance Committee voted 5-0 on a motion by Member Mullin, second by Member Martin to open the meeting. The Finance Committee joined the Selectmen at 7:00 P.M.

Article 1. To see if the Town will vote to transfer from one or more municipal government accounts a sum of money to supplement various governmental accounts for Fiscal Year 2011, or take any other action relative thereto.

Amount	Transfer From:	Transfer To:
\$4,400.00	#242-5110 Gas Inspector Salary	#241-5318 Inspectional Coverage
\$4,400.00	#243-5110 Plumbing Inspector Salary	#241-5318 Inspectional Coverage
\$6,500.00	#245-5110 Wiring Inspector Salary	#241-5318 Inspectional Coverage
\$45,000.00	#215-5110 Communication Salary	#210-5130 Police Department Salary
\$8,500.00	#543-5110 Veteran's Agent Salary	#241-5110 Building Coms. Salary

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article.

Article 2. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$150,000 to the Stabilization Fund. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article

Article 3. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$200,000 to the Capital Asset Stabilization Fund. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article

Article 4. To see if the Town will vote to raise and appropriate and/or appropriate by transfer the sum of \$265,000 as follows: \$100,000 to Snow Removal Expense Account #423-5533 and \$165,000 to Other Salaries Account #122-5119. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectwoman Coughlin to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin no action on this article and will make recommendation on town meeting floor.

Article 5. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$10,000 to be expended by the Board of Selectmen for street light acquisition. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectwoman Coughlin to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Martin to recommend this article

Article 6. To see if the Town will vote raise and appropriate the sum of \$680.18 to be expended by the Planning Board to pay a prior year's bill, or take any other action relative thereto.

Submitted by: Planning Board

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article.

Article 7. To see if the Town will vote to appropriate by transfer from available funds the sum of \$83,060 to supplement the Tyngsborough School Budget for fiscal year 2011, to be expended by the School Committee reimbursable medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, or take any other action relative thereto.

Submitted by: School Committee

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article

Article 8. To see if the Town will vote to appropriate by transfer \$14,000 from Debt Service Account #710-5910 and \$12,515 from Debt Service Account #751-5915 to be expended by the School Committee for the purpose of purchasing one new 2010 Chevrolet Silverado HD2500 Pickup Truck for the upkeep of school property, or take any other action relative thereto.

Submitted by: School Committee

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to recommend this article.

The Finance Committee voted 3-2 on a motion by Member Times, second by Member Martin to not recommend this article.

Article 9. To see if the Town will vote to appropriate by transfer a sum of monies from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Capital Improvement Reserve Fund and the Sewer Enterprise Capital Replacement Reserve Fund, or take any other action relative thereto.

Submitted by: Sewer Commissioners

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article

Article 10. To see if the town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$10,000 to fund a feasibility study for the installation of sidewalks on public ways or near Tyngsborough Public Schools to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to not recommend this article

Article 11. To see if the Town will vote to accept Cedar Street as a public way as laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts - Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc., or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 4-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to recommend this article.

The Finance Committee took no action on this article, this article has no monetary value.

Article 12. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$2,000 to fund land takings associated with the establishment of a public way known as Cedar Street, to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 4-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to recommend this article.

The Finance Committee voted 3-2 on a motion by Member Times, second by Member Mullin to recommend this article.

Article 13. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$4,500 for the continued analysis of the status of town roads and parcels, to be expended by the Board of Selectmen.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article.

Article 14. To see if the Town will vote to authorize the Board of Selectmen to convey and/or execute land damage agreements in the amount of \$0 for three parcels of Town land situated on or near Pawtucket Boulevard to be included in the state project known as the "Relocation of Pawtucket Boulevard" to the

Commonwealth of Massachusetts or to the Massachusetts Department of Transportation, or any subdivision thereof, and said Parcels are identified as:

Parcel 14-D-3-F in Fee
Parcel 14-18-T in Fee
Parcel 14-9-T in Fee

as shown on certain plans on file with the Town Clerk's Office and the Office of the Board of Selectmen, which may be examined during regular business hours, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to recommend this article.

The Finance Committee took no action on this article as it has no monetary value.

Article 15. To see if the Town will vote to accept the provisions of Massachusetts General law Chapter 53, Section 9A to establish the final date for obtaining nomination papers for town office as forty-eight hours prior to the submittal deadline, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to recommend this article.

The Finance Committee took no action on this article as it has no monetary value.

Article 16. To see if the Town will vote to accept M.G.L. Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, which provides for an expedited permitting process, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as a priority development site, the land specifically described below; or take any other relative action thereto.

Location: 50 Westford Road, Map 21, Parcel 23, Lot 1

Owner: Westford Road Development, LLC

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to recommend this article.

The Finance Committee took no action on this article as it has no monetary value.

The Finance Committee voted 5-0 on a motion by Member Times, second by Mullin to adjourn their meeting at 7:45 P.M.

7. 7:30 P.M. Interview/Building Commissioner

The Board interviewed second of the two finalists for the Building Commissioner's position. The Board thanked the applicant for coming in. At the conclusion of the interviews the Board voted to offer the position to one of the finalists, the Administrator will contact the individual and will notify the Board of his decision to accept or not.

8. 8:45 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board entered into executive session at 8:45 P.M.

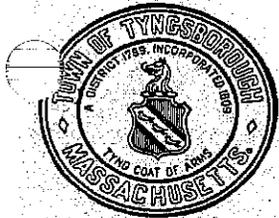
9. Adjournment

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:00 PM.

Respectfully Submitted,

Therese Gay
Admin Assistant

Approved on _____



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Agenda

Monday November 8, 2010

6:00 P.M.

Town Offices

1. 5:00 P.M. Interview/Building Commissioner

2. 6:00 P.M. Tax Classification Hearing

3. 6:30 P.M. Finance Committee

- STM Warrant Articles/Review and Recommendations

4. Citizen Time

5. Accept Selectmen Meeting Minutes/Executive Session Minutes

- Monday October 04, 2010
- Monday October 18, 2010

6. Correspondence

7. 7:30 P.M. Interview/Building Commissioner

8. 8:30 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

9. Adjournment

Future Meetings

*Thursday November 11, 2010 the Town Offices Will Be Closed in Honor of Veterans' Day.

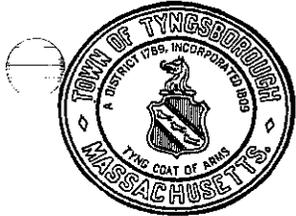
**Special Town Meeting, November 16, 2010 at 7:00 P.M. at the Tyngsborough Elementary School, 205 Westford Road.

Selectmen's Meeting Monday, November 22, 2010 at 6:00 P.M. at Town Hall Offices

*Thursday November 25 and Friday November 26, 2010 the Town Offices Will Be Closed for the Thanksgiving Holiday.

Selectmen's Meeting Monday, December 06, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, December 20, 2010 at 6:00 P.M. at Town Hall Offices



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Minutes

DRAFT

Monday November 1, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

1. 6:00 P.M Open Meeting

The Chairman opened the meeting on a motion by Selectman Jackson, second by Selectman Lemoine.

2. New Business

- Review Special Town Meeting Articles

The Board reviewed and discussed the special town meeting warrant articles. The review and discussion is as follows: Article 1. To see if the Town will vote to transfer from one or more municipal government accounts a sum of money to supplement various governmental accounts for Fiscal Year 2011, or take any other action relative thereto.

Amount	Transfer From:	Transfer To:
\$4,400.00	#242-5110 Gas Inspector Salary	#241-5318 Inspectional Coverage
\$4,400.00	#243-5110 Plumbing Inspector Salary	#241-5318 Inspectional Coverage
\$6,500.00	#245-5110 Wiring Inspector Salary	#241-5318 Inspectional Coverage
\$45,000.00	#215-5110 Communication Salary	#210-5130 Police Department Salary
\$8,500.00	#543-5110 Veteran's Agent Salary	#241-5110 Building Coms. Salary

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to place this article on the warrant.

Article 2. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$150,000 to the Stabilization Fund. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 3. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$200,000 to the Capital Asset Stabilization Fund. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 4. To see if the Town will vote to raise and appropriate and/or appropriate by transfer the sum of \$265,000 as follows: \$100,000 to Snow Removal Expense Account #423-5533 and \$165,000 to Other Salaries Account #122-5119. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 5. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$10,000 to be expended by the Board of Selectmen for street light acquisition.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to place this article on the warrant.

Article 6. To see if the Town will vote raise and appropriate the sum of \$680.18 to be expended by the Planning Board to pay a prior year's bill, or take any other action relative thereto.

Submitted by: Planning Board

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 7. To see if the Town will vote to appropriate by transfer from available funds the sum of \$83,060 to supplement the Tyngsborough School Budget for fiscal year 2011, to be expended by the School Committee for reimbursable medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, or take any other action relative thereto.

Submitted by: School Committee

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 8. To see if the Town will vote to appropriate by transfer \$14,000 from Debt Service Account #710-5910 and \$12,515 from Debt Service Account #751-5915 to be expended by the School Committee for the purpose of purchasing one new 2010 Chevrolet Silverado HD2500 Pickup Truck for the upkeep of school property, or take any other action relative thereto.

Submitted by: School Committee

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 9. To see if the Town will vote to appropriate by transfer a sum of monies from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Capital Improvement Reserve Fund and the Sewer Enterprise Capital Replacement Reserve Fund, or take any other action relative thereto.

Submitted by: Sewer Commissioners

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 10. To see if the town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$10,000 to fund a feasibility study for the installation of sidewalks on public ways at or near Tyngsborough Public Schools to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 11. To see if the Town will vote to accept Cedar Street as a public way as laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts - Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc., or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 12. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$2,000 to fund land takings associated with the establishment of a public way known as Cedar Street, to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 13. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$4,500 for the continued analysis of the status of town roads and parcels, to be expended by the Board of Selectmen.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 14. To see if the Town will vote to authorize the Board of Selectmen to convey and/or execute land damage agreements in the amount of \$0 for three parcels of Town land situated on or near Pawtucket Boulevard to be included in the state project known as the "Relocation of Pawtucket Boulevard" to the Commonwealth of Massachusetts or to the Massachusetts Department of Transportation, or any subdivision thereof, and said Parcels are identified as:

Parcel 14-D-3-F in Fee

Parcel 14-18-T in Fee

Parcel 14-9-T in Fee

as shown on certain plans on file with the Town Clerk's Office and the Office of the Board of Selectmen, which may be examined during regular business hours, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 15. To see if the Town will vote to accept the provisions of Massachusetts General law Chapter 53, Section 9A to establish the final date for obtaining nomination papers for town office as forty-eight hours prior to the submittal deadline, or take any other action relative thereto. Submitted by: Board of Selectmen
The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 16. To see if the Town will vote to accept M.G.L. Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, which provides for an expedited permitting process, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as a priority development site, the land specifically described below; or take any other relative action thereto.

Location: 50 Westford Road, Map 21, Parcel 23, Lot 1

Owner: Westford Road Development, LLC

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Lemoine to sign and post the special town meeting warrant.

- Tyngsboro Sports Center Entertainment License/Revised

The Board deferred the request from the Tyngsboro Sports Center to amend their entertainment license to a future agenda. The Administrator will contact the Firm of Kopelman and Paige to assist the town in formulating a set of regulations for sport promotionals.

- Building Commissioner Applicants Discussion

The Board discussed the interview process and have asked that two of the applicants be scheduled for interviews on Monday November 8, 2010.

- Open Meeting Law/Elections Discussion

There were no discussions on this subject this evening.

- Cultural Council Discussion

There were no discussions on this subject this evening. The matter has been resolved.

3. Correspondence

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to accept the correspondence for discussions. The correspondence referencing the public discussion on negotiations was not complete page 2 was missing. The Board asks the Administrator to place the field use contract on the next selectmen's agenda.

4. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss collective bargaining and to return to open session only to adjourn.

Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 10:00 PM

5. 9:30 P.M. Adjournment

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:00 PM.

Respectfully Submitted,

Ernese Gay
Admin Assistant

Approved on _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Executive Session Minutes

DRAFT

Monday November 1, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson.

Member absent: Selectman Rich Lemoine

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- **Collective Bargaining**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit the Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board entered Executive Session 10:00 P.M.

The Board discussed the restoration of hours to the Town Hall staff and to restore the Quinn Bill to the Police Officers. The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to restore the hours to the Town Hall staff and restore the Quinn Bill to the Police Officers.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to move the proposal for the removal of the Town Treasurer and the Town Accountant from the Union and the lateral transfers of the Council on Aging and the Police Custodian to the Highway Union; propose a package recognizing \$165,000 for the restoration of hours and the Quinn bill subject to Town Meeting appropriation no raises for one (1) year.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to pay the Quinn bill for ½ year to the Police Officers.

The Board will contact the Chief of Police and discussions on the creation of Lieutenants and then the Board will make a decision. The board discussed the ground rules for negotiations for the Police Officers.

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to set the ground rules for negotiations with the Police Union and to set a meeting with the Police Chief to discuss the creation of the Lieutenants positions.

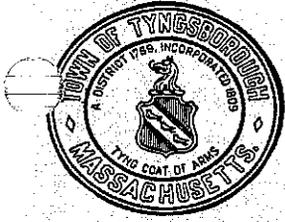
The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to exit executive session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board exited the executive session at 11:00 P.M.

Respectfully submitted,

Therese Gay
Admin Assistant

Approved on _____



TOWN OF TYNGSBOROUGH

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Tyngsborough, MA 01879

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Board of Selectmen Meeting Agenda

Monday November 1, 2010

6:00 P.M.

Town Offices

1. 6:00 P.M Open Meeting

2. New Business

- Review Special Town Meeting Articles
- Tyngsboro Sports Center Entertainment License/Revised
- Building Commissioner Applicants Discussion
- Open Meeting Law/Elections Discussion
- Cultural Council Discussion

3. Correspondence

4. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

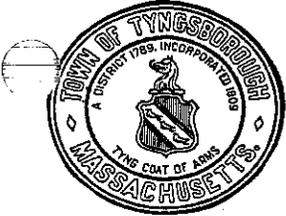
5. Adjournment

Future Meetings

Selectmen's Meeting Monday, November 8, 2010 at 6:00 P.M. at Town Hall Offices

**Special Town Meeting, November 16, 2010 at 7:00 P.M. at the Tyngsborough Elementary School, 205 Westford Road.

Selectmen's Meeting Monday, November 22, 2010 at 6:00 P.M. at Town Hall Offices



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Minutes

DRAFT

Monday October 25, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.

Staff: Admin. Assistant Therese Gay

Absent: Town Administrator Michael Gilleberto

"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

1. 6:05 P.M Open Meeting

The Chairman opened the meeting, the Board Members were introduced and the agenda was read.

2. New Business

- Liquor License Transfer Request – Laxminarayan Liquor, Inc.

The legal notice was read by Selectman Reault, the Board voted 5-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to open the public hearing. The Board welcomed Attorney Joseph Devlin and the owners of Laxminarayan Liquor Harry and Brinda Patel. The Patels are purchasing the package store from the present owner Mr. David Ziemiak. This evening the Board will vote to transfer the license. All of the documents are in order, the background check is clear. Mr. Patel has been in a family business for many years and is familiar with all of the rules and regulations governing the sale of alcohol. The Board satisfied that all the documentation is in order and that Mr. and Mrs. Patel are experienced in the sale of alcohol voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the transfer of the All Alcoholic Package Store liquor license as presented, and to change the manager of record from David Ziemiak to Brinda Patel.

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Lemoine to approve the pledge of the liquor license and the inventory to Rockland Trust.

The Board welcomed Mr. and Mrs. Patel to the community and wished them well on their new endeavor.

- Manager Change Transfer Request – Tyngsboro Sportsmen Club, 90 Westford Road

The Tyngsboro Sportsmen Club has petition the Board for a change of Manager of Record. Mr. Nash, Mr. Hustins and Mr. Wood were before the Board to present their petition and to answer any questions. Mr. Robert Wood the proposed new manager introduced himself and outlined his qualifications. The Board found all of the paper work to be in order and there were no issues. The Board voted 4-1 on a motion by Selectman Jackson, second by Selectman Lemoine to approve the petition to change the manager of record from James Hustins to Robert Wood. The Board congratulated Mr. Wood. Selectwoman Coughlin recused from the vote due to a possible conflict.

- 6:30 P.M. Street Acceptance Hearing – Cedar Street

The Conservation Commission has sent a petition to the Board of Selectmen to place a warrant article of a town meeting to make Cedar Street a public way the Town Meeting in 1986 did accept Cedar Street as a public way but did not follow through on the final paperwork. This is correcting the procedure that was not followed. The Conservation Commission became involved because of

the numerous complaints from neighbors and residents who have tried to use the ramp and were stopped by the owners of the Fleur-de-lis club.

The Board on a motion by Selectman Reault, second by Selectwoman Coughlin to open the hearing. Selectman Reault, Clerk read the notice that was sent to all of the abutters. The Chairman seeing that Mr. Smith of the Conservation Commission not present asked Town Counsel the Board should proceed, Town Counsel advised that the Board may proceed. The Chairman outlined the course the Board will take this evening. The Chair will ask the residents in attendance if they wish to speak in favor of the taking followed by the residents who are against the taking.

The Chairman asked if there were any residents present who wished to speak in favor of the taking. There were 9 residents who spoke in favor of the taking. They have been living in the area for a long time and have used the ramp on many occasions. Many of the residents had encounters with the owners of the Fleur-de-lis club. They have often stopped residents from using the ramp saying they would have to become members to use it. They have placed signs prohibiting anyone from using the boat ramp. Town Counsel that the abutters do own the private way but the residents who have deeds stating the use of easements to the pond have a right to pass and repass. If the town takes it as a public way then other town residents may use the ramp not just the neighbors.

The owners of the Fleur-de-lis club represented by their attorney were present to speak against the proposed taking. They feel it would be detrimental to their business. After a brief recess the Conservation Agent was present and he gave testimony to their request to accept Cedar Street, the Commission examined the area at the requests of residents. The Commission working with Town Counsel and a consultant has recorded/surveyed to correct the 1986 vote to accept Cedar Street.

The Board voted 4-1 on a motion by Selectman Reault, second by Selectman Jackson close the ordinary portion of the hearing. The Board voted 4-1 on a motion by Selectman Reault, second by Selectwoman Coughlin having complied with the requirements of M.G.L. c82, s22-24 and having conducted a public hearing after notice to abutters, move that the Board of Selectmen lay out Cedar Street as a public way and accept said way, as on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts - Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc.

The Board thanked everyone for coming out this evening.

- **Appoint Three Reserve Officers - Tyngsborough Police Department**

The Board received correspondence from the Chief of Police asking the Board appoint three Reserve Officers, the Board will be introduced to all seven of the appointees at a future meeting.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Reault to appoint Carlos Borges, Brian Jones, and Edward Caissie as Reserve Officers to the Tyngsborough Police Department.

- **Review Special Town Meeting Articles**

The Selectmen deferred the review to their next scheduled meeting on November 1, 2010.

3. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

No one came forward this evening.

4. Correspondence

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as read. Selectman Jackson brought forth a couple of items for

discussion. The Chapter 90 road survey to complete and see if sidewalks can be reviewed; notify the Historical Commission the Historical Grant information and the scholarship information is available at the school; also some discussion on the Planning Board applicant and the Cultural Council's procedures on grant applications.

5. Selectmen's Reports

- Selectman O'Neill – Strategic Financial Planning

The Capital Asset Committee will meet in December and the forms will be sent out next month.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Inspections

A comment on the restructuring the different departments and restructuring the town government is a big endeavor. On a good note the EEAC met with the Planning Board on the wind and solar by law and the NMCOG is working with the Planning Board on the by-law. The Town of Tyngsborough was recognized at an award ceremony at Lowell City Hall for their commitment to Green initiatives. The Mass Dept. of Energy Resources presented Selectwoman Coughlin and Chairman O'Neill with Green Communities certificates and a grant check for \$161,000.00 for the building envelope upgrades at the Town Hall and the Tyngsborough Middle School and Administration Offices.

Selectman Reault – Northern Middlesex Council Of Government

I attending the NMCOG's annual meeting the guest speaker was Marty Meehan. NMCOG is keeping track of affordable housing and is working on the updating the Town's plan.

- Selectman Lemoine – Economic Development

Spoke about the town's charter has not changed in 200 years and it is time to take a look at it, and would like to place it on a future agenda for discussion and to check on the funds allocated for the study.

- Selectman Jackson – The Early Childhood Center

The School Committee voted to allow the Town to store its records at the Early Childhood Center. The Schools are not ready to release the building as the population trend is increasing and there may be a need for the school if more students enroll. The SFPC is winding down and will have their 3 year financial report of its finding during the last two years. I would like to see a sub-committee to serve to study the town's insurance.

6. Town Administrator's Reports – No Report Available

7. 8:30 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Collective Bargaining

The Board voted on a motion by Selectman Reault, second by Selectwoman Coughlin to enter into Executive Session to discuss collective bargaining and to return to open session only to adjourn.

Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 8:30 PM

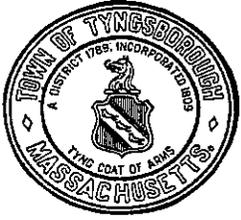
8. 9:30 P.M. Adjournment

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 10:30 PM.

Respectfully Submitted,

Terese Gay
Admin Assistant

Approved on _____



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Executive Session Minutes

DRAFT

Monday October 25, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson.

Member absent: Selectman Rich Lemoine

Absent: Town Administrator Michael Gilleberto

Staff: Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- **Collective Bargaining**

The Board voted 5-0 on a motion by Selectman Reault, second by Selectwoman Coughlin to enter into Executive Session to discuss collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit the Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board entered Executive Session 8:30 P.M.

The Board discussed the budget at length with the Town Administrator via telephone. They discussed the Quinn bill reimbursement. There was discussion on the separation issue involving the sergeants and the patrolmen. The separation should have no bearing on the negotiations as it is a separate issue. The police discussions are going well and the negotiations for this past week were rescheduled.

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to exit executive session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board exited the executive session at 10:30 P.M.

Respectfully submitted,

Therese Gay
Admin Assistant

Approved on _____



TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

TO: Board of Selectmen
FROM: Michael P. Gilleberto, Town Administrator *MP*
DATE: October 22, 2010
SUBJECT: First Quarter Revenue Adjustments / Free Cash

Per the request of the Board, below is a potential use of available resources:

RECURRING

+\$160,000 in New Growth (certified on Thursday; above the \$200,000 projection)
+\$80,000 in Meals Tax Revenue above projection
=Total: \$240,000

Proposal:

Make available up to \$75,000 for restoration of SEIU reduced hours
Make available up to \$75,000 for use in negotiating reforms to Quinn Bill
Balance to Snow and Ice account and/or Finance Reserve

Note: to access this revenue in FY 2011, it must be appropriated prior to the recapitulation being completed by the Board of Assessors. Otherwise, it will flow to Free Cash certified as of June 30, 2011.

ONE-TIME

+\$65,000 Supplemental Assessments
-Offset by potential exposure of \$40,000 due to condo/apartment classification dispute
+\$917,000 Free Cash approved and to be certified week of 10/15/2010
=Total: \$942,000

Proposal:

Utilize \$250,000 to expand stabilization (current balance is \$585,000)
Make available up to \$400,000 for capital improvements



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

FROM: Michael P. Gilleberto, Town Administrator **MP**
TO: Board of Selectmen
DATE: October 22, 2010 **CONFIDENTIAL**
RE: Collective Bargaining: SEIU and Police

Attached please find spreadsheets reflecting costs associated with collective bargaining.

The columns are as follows, for ease of comparison:

- Pre-reduction hours and FY 2010 contractual pay rates
- Current hours and pay rates in effect
- FY 2011 budgeted hours and pay rates in effect
- A proposal for hours and pay rates that I have prepared as requested on October 18th:
 - Includes financial impact of changes effective December 1, 2010 (30.45 weeks)
 - Includes financial impact of changes annualized in FY 2012 (does not include steps [2.2% for eligible employees] or COLA)
- The SEIU proposed minimum staffing level for each position

NOTE: this information was prepared by me as a good faith starting point for the BoS, and is based on information provided to the Interim Town Administrator in April for the restoration of hours (spreadsheet also attached). Consultation with the Treasurer and Accountant will be required to validate these numbers 100% (July 1, 2011 steps, etc).

I have also included the proposals that I believe the Selectmen should continue to seek in negotiations.

Additionally, attached please find the spreadsheet including the cost of the state share of the Police Career Incentive Program (Quinn Bill).

Town of Tynningborough
DRAFT proposal for restoration of hours

Mid Managers

Position	Last name	Pre-reduction hours	Contractual FY 2010 Rate - weekly	Current Rate - weekly	FY 2011 funded hours	FY 2011 funded rate - weekly	MPG proposed hours	Proposed Rate - weekly	Net FY 2011 impact	Net FY 2012 impact	Tax-levy offset available ?	SEIU proposed minimum hours	
Assessor	Gibbons (hired post reduction)	40	1,264.37	1,264.37	37	1,264.37	40	1,366.89	3,121.73	5,351.54	No	40	
Building Inspector	(Interim)	40	1,240.48	1,240.48	37	1,240.48	40	1,341.06	3,062.64	5,250.25	No	40	
Conservation Director	Maro	22	568.14	568.14	20	568.14	22	624.95	1,729.99	2,965.69	Yes	25	
Council on Aging Director	Reynolds	40	975.35	853.43	35	853.43	40	975.35	3,712.46	6,364.22	Yes	40	
Health Director	Oun (hired post reduction)	27	597.70	597.70	27	595.19	27	597.70	0.00	0.00	No		
Recreation Director	McNamara (no reduction)	20	494.75	494.75	20	494.75	20	494.75	0.00	0.00	No	30	
Sewer Administrator	Miceli (promoted post reduction)	30	637.44	573.70	30*	749.00	30	637.44	-3,397.00	0.00	Sewer	30	
Sewer Superintendent	Curseaden (hours and rate presently restored)	40	1,484.90	1,484.90	40	1,484.90	40	1,484.90	0.00	0.00	Sewer	40	
Town Accountant	Cronin (wage freeze at 40 hours)	40	1,409.97	1,368.89	40	1,368.89	40	1,409.95	1,250.28	2,143.33	No	40	
Town Treasurer	Colburn-Dion	35	1,131.48	1,034.50	32	1,034.00	40	1,293.13	7,890.51	13,526.59	No	35	
Veteran's Agent	O'Connor	30	531.82	531.82	27	531.82	30	590.91	1,799.29	3,084.50	No	40	
Human Resources	(proposed new position)	X	X	X	0	0.00	N/A	N/A	?	?	No	20	
Total											19,169.90	38,686.12	

Clerical

<u>Position</u>	<u>Last Name</u>	<u>Pre-Reduction</u>	<u>Contractual</u>	<u>Current</u>	<u>FY 2011</u>	<u>FY 2011</u>	<u>FY 2011</u>	<u>MPG</u>	<u>Proposed</u>	<u>Net FY</u>	<u>Net FY</u>	<u>Tax-levy</u>	<u>SEIU</u>
		<u>Hours</u>	<u>Rate -</u>	<u>Rate -</u>	<u>funded</u>	<u>Funded</u>	<u>propos</u>	<u>Rate -</u>	<u>Rate -</u>	<u>2011</u>	<u>2012</u>	<u>offset</u>	<u>proposed</u>
		<u>hours</u>	<u>Hourly</u>	<u>hourly</u>	<u>hours</u>	<u>hourly</u>	<u>ed</u>	<u>hourly</u>	<u>hourly</u>	<u>impact</u>	<u>impact</u>	<u>available</u>	<u>minimum</u>
							<u>hours</u>					<u>?</u>	<u>hours</u>
Assessor Admin Asst	Wilson (hired post reduction)	35	19.07	20	19.07	20	30	19.07	5,806.82	9,954.54	No	No	35
Assistant Town Treasurer	Cayer (wage freeze)	17	19.07	17	18.66	17	17	19.49	429.65	736.54	No	No	17
Treasurer's Clerk	Clancy (wage freeze)	30	17.96	30	17.96	30	32	17.96	1,093.76	1,875.02	No	No	35
Assistant Tax Collector	Dutton (wage freeze)	32	19.49	32	19.07	32	32	19.91	818.50	1,403.14	No	No	35
Assistant Town Accountant	Cayer (wage freeze)	8	18.66	8	18.66	8	10	18.66	1,136.39	1,948.10	No	No	8
Asst. Town Clerk	Johnson	22.5	17.49	20	17.49	20	22.5	17.49	1,331.43	2,282.45	No	No	22.5
Bldg Dept. Admin Asst.	McParlan (promoted post-reduction)	35	14.67	25	15.01	25	35	15.01	4,570.55	7,835.22	No	No	35
Planning Admin. Asst	Berman	20	15.34	18	15.68	18	20	15.68	954.91	1,636.99	No	No	20
Council on Aging Custodian	Tiano	10	14.45	8	14.77	8	10	14.77	899.49	1,541.99	No	No	10
Council on Aging Meals Site	Poirier	10	13.60	8	13.60	8	10	13.60	828.24	1,419.84	Yes	Yes	10
Council on Aging Secretary	Pecora	35	16.29	30	16.29	30	35	16.29	2,480.15	4,251.69	Yes	Yes	35
Electrical Inspector	(interim)	20	13.83	18	13.83	18	18	13.83	0.00	0.00	No	No	none
Health Clerk	Steeves (no reduction)	19	15.34	19	15.68	19	19	15.68	0.00	0.00	No	No	22
Gas/Plumbing Inspector	(interim)	20	18.77	18	18.77	18	18	18.77	0.00	0.00	No	No	none
Library Employees A-D	Delli-Colli; Geoffrey; Sides; Spickler (hours reduced)	140	72.59	135	72.59	135	140	72.59	11,051.83	18,945.99	Library	Library	140
Library Employee E	Wolfson (wage freeze)	40	15.26	30	15.60	30	40	15.60	4,750.20	8,143.20	Library	Library	

Library Employee F freeze)	Curran (wage freeze)	20	16.29	20	16.29	20	16.78	298.41	511.56	Library	
Conservation Admin. Asst	Berman	15	15.34	14	15.68	14	15.68	477.46	818.50	Yes 15	
Police custodian Sewer Clerk	Comer (vacant)	26 8	14.76	24 7	15.09	24 8	15.09	918.98 0.00	1,575.40 0.00	No 26 Sewer 8	
Town Collector Clerk	Tetrauit	14	14.52	8	14.52	8	14.52	2,652.80	4,547.66	No 14	
Veteran's Secretary	Johnson	12.5	17.49	11	17.49	11	17.49	798.86	1,369.47	No 12.5	
Highway Clerk	(vacant)	20	13.6	18	13.9	18	13.90	2,962.79	5,079.06	No 26	
							Total	44,261.21	75,876.35		
Highway Position	Last Name	Pre- Reducti on	Contractual FY 2010 weekly	Current Rate - Hours weekly	FY 2011 funded hours	FY 2011 Funded Rate - weekly	Proposed Rate - weekly	Net FY 2011 impact	Net FY 2012 impact	Offset?	SEIU proposed minimum hours
Highway Laborers	Ten	400	8564.8	380 8136.56	380	8145.2	8564.8	12776.82	21,903.12	No	400
							Total	12776.82	21,903.12		
								FY 2011	FY 2012		
							Grand Total	76,207.93	136,465.60		

POSITIO	DEPT	Hours Pre-Reduction/		REDCUED Hrs	If restored:	Annual	
		Post Restoration	REDUCED Hrs				
Assessor	Assessor's Office	40	3 hours/week		\$ 102.54	\$ 5,352.59	
Assessor Admin Asst *	Assessor's Office	35/20	15 hours/week		\$ 279.90	\$ 14,610.78	
Town Treasurer	Treasurer's Office	35	3 hours/week		\$ 96.99	\$ 5,062.88	
Conservation Director	Conservation	22	2 hours/week		\$ 56.82	\$ 2,966.00	
Conservation Admin. Asst	Conservation	15	1 hour/week		\$ 15.34	\$ 800.75	
Building Inspector	Building	40	3 hours/week		\$ 100.59	\$ 5,250.80	
Gas/Plumbing Inspector	Building		2 hours/week	Died/Pos not filled	\$ 40.50	\$ 2,114.10	
Electrical Inspector	Building	20	2 hours/week		\$ 27.58	\$ 1,439.68	
Bldg Dept. Admin Asst. *	Building	35/25	10 hours/week		\$ 146.90	\$ 7,668.18	
Council on Aging Director	COA	40	5 hours/week		\$ 121.95	\$ 6,365.79	
Council on Aging Secretary	COA	35	5 hours/week		\$ 81.45	\$ 4,251.69	
Council on Aging Meals Site	COA	10	2 hours/week		\$ 26.62	\$ 1,389.56	
Council on Aging Custodian	COA	10	2 hours/week		\$ 28.90	\$ 1,508.58	
Veteran's Agent	Veteran's Dept	30	3 hours/week		\$ 118.20	\$ 6,170.04	
Veteran's Secretary	Veteran's Dept	12.5	1.5 hours/week		\$ 25.67	\$ 1,339.97	
Sewer Administrator	Sewer	30	3 hours/week		\$ 63.75	\$ 3,327.75	
Sewer Superintendent	Sewer	40	3 hours/week		\$ 111.39	\$ 5,814.56	
Sewer Clerk	Sewer	8	1 hour/week		\$ 12.64	\$ 659.81	
Town Collector Clerk	Town Collector Office	14	6 hours/week		\$ 85.26	\$ 4,450.57	
Asst. Town Clerk	Town Clerk's Office	22.5	2.5 hours/week		\$ 42.78	\$ 2,233.12	
Plan Bd Admin. Asst	Planning Board	20	2 hours/week		\$ 30.68	\$ 1,601.50	
Police custodian	Police Dept	26	2 hours/week		\$ 30.18	\$ 1,575.40	
Highway Dept. (10)	Highway Dept.	40 (x10)	2 hours/week		\$ 470.74	\$ 24,572.63	
Highway Clerk *	Highway Dept.	20/18	2 hours/week		\$ 27.20	\$ 1,419.84	
Library Director	Library	40	5 hours/week		\$ 134.75	\$ 7,033.95	
Library Employee (1)	Library	30	10 hours/week		\$ 152.60	\$ 7,965.72	
Library Employees (4)	Library	35 (x4)	5 hours/week		\$ 359.25	\$ 18,752.85	
*Position filled at lower number of hours						\$ 2,791.17	\$ 145,699.07
Wage freezes instead of hour cuts:							
					Current Wage:	Annual	
Assistant Tax Collector	Town Collector Office	32	579.84	610.24	\$ 30.40	\$ 1,586.88	
Assistant Treasurer	Treasurer's Office	30	511.80	538.80	\$ 27.00	\$ 1,409.40	
Assistant Accountant & Treas P/R Admin	Accountant's Office	25	443.25	466.50	\$ 23.25	\$ 1,213.65	
Accountant	Accountant's Office	40	1,368.89	1,408.97	\$ 41.08	\$ 2,144.38	
Tax Collector	Town Collector Office	40	1,073.18	1,105.38	\$ 32.20	\$ 1,680.84	
Administrator's Assistant	Selectmen's Office	40	696.97	717.88	\$ 20.91	\$ 1,091.50	
Town Clerk	Town Clerk's Office	32	997.97	1,027.91	\$ 29.94	\$ 1,562.87	
Fire Chief	Fire Dept	40	1,731.26	1,783.21	\$ 51.95	\$ 2,711.79	
Fire Fighter #1 (27 hrs)	Fire Dept	27	493.56	508.37	\$ 14.81	\$ 773.08	
Fire Fighter #2 (45 hrs)	Fire Dept	45	822.60	847.28	\$ 24.68	\$ 1,288.30	
Library Employee (1)	Library	20	316.40	333.00	\$ 16.60	\$ 866.52	
Recreation Director *	Recreation	20	494.75	494.75	\$ -	\$ -	
* No cuts						\$ 9,843.29	\$ 16,329.20
Totals:						\$ 3,103.99	\$ 162,028.28



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

Proposal concerning the position of Town Accountant

Remove the position of Town Accountant from the Mid-Managers unit.



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Proposal concerning the position of Town Treasurer

Remove the position of Town Treasurer from the Mid-Managers unit.



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Proposal concerning the position of Custodian (Council on Aging)

Remove the position of Custodian (Council on Aging) from the Clerical unit and place the position in the Highway unit.

ADD POLICE DEPARTMENT CUSTODIAN

MP
JMP



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Proposal concerning the position of Building Department Secretary

Increase the number of weekly hours for the position of Building Department Secretary Clerk from 25 to 35. (non-CBA proposal - see related letter)



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Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

September 20, 2010

Ms. Pamela Berman, Steward
SEIU Local 888, Clerical Chapter

Dear Ms. Berman:

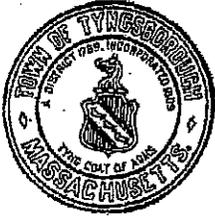
In accordance with Article 8.07 of the parties' collective bargaining agreement, please be advised that the Town is considering changing the hours for the Building Department administrative assistant from 25 to 35 hours per week. Prior to any final decision being made, however, the Town would like to give the Union an opportunity to discuss this issue or any related issues. Please contact me by September 27, 2010 so that a meeting can be scheduled for this purpose. If I do not hear from you or another Union Representative by September 27th, I will assume that the Union does not wish to discuss any of these issues.

If you have any questions, please let me know.

Sincerely,

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Darren Klein, Esquire



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Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

Proposal concerning the position of Highway Clerk

Increase the number of weekly hours for the position of Highway Clerk from 18 to 25.
(non-CBA proposal - see related letter)



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

September 20, 2010

Ms. Pamela Berman, Steward
SEIU Local 888, Clerical Chapter

Dear Ms. Berman:

In accordance with Article 8.07 of the parties' collective bargaining agreement, please be advised that the Town is considering changing the hours for the Highway Department clerk from 18 to 25 hours per week. Prior to any final decision being made, however, the Town would like to give the Union an opportunity to discuss this issue or any related issues. Please contact me by September 27, 2010 so that a meeting can be scheduled for this purpose. If I do not hear from you or another Union Representative by September 27th, I will assume that the Union does not wish to discuss any of these issues.

If you have any questions, please let me know.

Sincerely,

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Darren Klein, Esquire

Town of Tyngsborough
 Police Department
 Quinn Bill Payment Calculation

Name	12/14/2009 Payroll	6/14/2010 Payroll (Gross)	Total Compensation FY2010	Shortfall Deduction FY10
Mark Bourque	\$ 110,192.82	\$ 105,108.78	\$ 215,301.60	\$ 77,790.44
Richard Burrows	7,308.15	7,308.15	14,616.30	6,032.05
Charles Chronopoulos	10,437.12	10,437.12	20,874.24	-
Chris Chronopoulos	7,308.15	7,308.15	14,616.30	6,032.05
Stephen Georges	7,308.15	7,308.15	14,616.30	6,032.05
Ronald Goulet	5,084.04	5,084.04	10,168.08	4,196.30
Kenneth Healey	5,084.04	-	5,084.04	-
Richard Howe	4,573.40	4,573.40	9,146.80	3,424.52
John Manning	7,308.15	7,308.15	14,616.30	6,032.05
Steven Manning	7,308.15	7,308.15	14,616.30	6,032.05
Charles Melanson	6,355.05	6,355.05	12,710.10	5,245.37
William Mulligan	2,542.02	2,542.02	5,084.04	2,098.15
Christopher Rider	12,250.00	12,250.00	24,500.00	10,111.00
Shaun Wagner	5,084.04	5,084.04	10,168.08	4,196.30
Thomas Walsh	7,308.15	7,308.15	14,616.30	6,032.05
Cynthia Weeks	5,084.04	5,084.04	10,168.08	4,196.30
Shaun Woods	2,542.02	2,542.02	5,084.04	2,098.15
	7,308.15	7,308.15	14,616.30	6,032.05
				77,790.44
			100,170.84	

FY 2012 estimated Town impact
 (Chief no longer included)

Jackson, Robert

From: Jackson, Robert
Sent: Monday, October 18, 2010 10:59 AM
To: 'Ashley O'Neill'
Subject: FW: Insisting on Public Negotiations and Releasing Information to Public

Greetings Ashley,

FYI.

Best,

Bob

From: Darren Klein [mailto:DKlein@k-plaw.com]
Sent: Friday, October 15, 2010 8:41 PM
To: Robert Jackson
Cc: Michael P. Gilleberto
Subject: RE: Insisting on Public Negotiations and Releasing Information to Public

Bob,

As a follow-up to our conversation, I wanted to provide you with a brief update regarding the state of the law concerning insisting that negotiations be held in public, and regarding whether or not either party is allowed to make statements to the media when there is no ground rule prohibiting either party from making such statements.

Insistence on Bargaining in Public

In my opinion, the traditional rule that insisting on bargaining in public is a violation of § 10(a)(5) remains good law. I reviewed the primary cases on this topic, Town of Marion, 2 MLC 1256 (1975), and the Appeals Court decision upholding the DLR in that case, Board of Selectmen of Marion v. Labor Relations Commission, 7 Mass. App. Ct. 360 (1979), as well as a handful of other decisions including City of Attleboro, 3 MLC 1408 (1977), Ghiglione v. School Committee of Southbridge, 376 Mass. 70 (1978), and Falmouth School Committee, 12 MLC 1383 (1985). All of these cases provided that it was an unfair labor practice for either party to insist that negotiations be held in public. The most recent Division of Labor Relations ("DLR") case was North Middlesex Regional School District Teachers' Association, 28 MLC 160 (2001), which cited the DLR and Appeals Court decisions in Marion. Although not decided specifically on the grounds set forth in the Marion decision, that decision cites favorably to the Marion and Falmouth language that "the presence of third parties necessarily inhibits [] compromises and reduces the flexibility management and unions have to reach agreement." As we discussed, the above cases do not prevent the parties from mutually agreeing to negotiate in public.

Providing Information to the Public

In my opinion, absent an agreement or ground rule that prevents either party from speaking to press or from releasing information to the public, either party may make reasonable disclosures about negotiations to the public or the media. In Town of Stoneham, 3 MLC 1355 (1977), the Union

10/18/2010

contacted the Town and informed them it wished to commence bargaining. The Town responded that its typical procedure was to make initial proposals of the parties available in the press in order to allow Town's people to comment on the Union's and City's positions. Evidence indicates that the Town did not inform the press or individuals of what took place in negotiations, but merely published the proposals and accepted comment without explaining further. The Union would not agree to forward any proposals so long as the Town indicated it wished to publish them.

The Union filed a Unfair Labor Practice Charge alleging that the Town violated § 10(a)(5) by "refusing, to the point of bargaining impasse, to compromise its stated intention to publicize in the local newspaper, the entire initial proposal package as submitted by [the Union]." *Id.* at 1356. After considering three (3) decisions on the subject, the DLR stated that:

"A party may impart information to the press so long as his conduct does not frustrate collective bargaining. Put another way, a party has the privilege of access to the press, and another party has no right to prevent the proper exercise of that privilege...An employer may release information to the press, and the mere exercise of that privilege, without more, does not violate the duty to bargain in good faith. Such release can, however, trigger a violation in one of three ways...First, the act of access may be a violation if the privilege has been forgone. The privilege may be forgone either voluntarily, for instance by agreement to a ground rule specifying a media blackout, or the privilege may be overridden by statute...Second, statements to the press may contribute to a finding of bad faith if their character indicates a state of mind incompatible with the duty to bargain... Third, the timing or quantity of statements may be so inopportune as to constitute an abuse of the privilege."

The DLR went on to opine that "[t]he practical effect of this is very simple. Parties to collective bargaining have certain rights and privileges which they do not lose immediately upon the commencement of contract negotiations. One such privilege is that of access to the press. Unless circumscribed in the fashion described above, the parties are free to continue as before."

The Town of Stoneham decision has not been overturned. Accordingly, it is my opinion that unless the parties have agreed to a ground rule that prevents them from speaking or releasing information to the media, either party may make reasonable disclosures to the media provided: (1) they are not aimed at frustrating the bargaining process; (2) the statements do not indicate an unwillingness to bargain in good faith; or (3) the statements are not of such a nature or frequency as to potentially become an abuse of privilege. It should be noted that in the Town's current negotiations there is not any ground rule limiting either party's ability to release information to the public or the media.

Please contact me if you have any further questions. Thank you.

Very truly yours,

Darren R. Klein, Esq.
Kopelman and Paige, P.C.
101 Arch Street
12th Floor
Framingham, MA 02110
Phone: 617 556-0007
Fax: 617 654-1735

10/18/2010

Cell: 617 257-9576
E-mail: dklein@k-plaw.com

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From: Robert Jackson [mailto:rjackson@tyngsboroughma.gov]
Sent: Wednesday, October 06, 2010 1:45 PM
To: Darren Klein
Subject: Public contract negotiations

Greetings Darren,

Can we set a time to discuss what would be involved in changing the way Tyngsboro conducts contract negotiations? I'd like to move to a more transparent system where information is shared with the public much faster. I think I would need about 15 - 20 minutes of your time. I know certain states, such as Florida, have very progressive laws in this area and that Massachusetts has adopted portions of these laws. It is my understanding that if both sides are agreeable, negotiations can be done in public. What if one side is not agreeable? Can the negotiations portion be private, with the information in that (private) session being made public afterwards?

I see negotiations in Tyngsboro as a two step process, the first where Union and Management talk and share ideas, the second where the BOS is updated (always in executive session). If the Union didn't want to negotiate in public, can the BOS deliberate in public on what was spoken about in private?

I'd also like to understand your thoughts on public negotiations, positive and negative.

I would like to see Tyngsboro adopt a public negotiating process, or as close as the law will allow.

Best,

Bob

Robert Jackson
Tyngsborough Board of Selectmen
Town Hall: 978-649-2300
Mobile: 978-697-9315

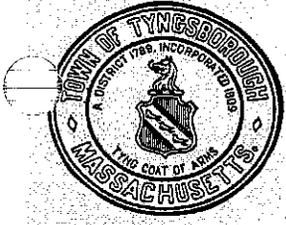
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10/18/2010

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TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Agenda

Monday October 25, 2010

6:00 P.M.

Town Offices

"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

1. 6:05 P.M Open Meeting

2. New Business

- Liquor License Transfer Request – Laxminarayan Liquor, Inc.
- Manager Change Transfer Request – Tyngsboro Sportsmen Club, 90 Westford Road
- 6:30 P.M. Street Acceptance Hearing – Cedar Street
- Appoint Three Reserve Officers – Tyngsborough Police Department
- Review Special Town Meeting Articles

3. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. Correspondence

5. Selectmen's Reports

- Selectman O'Neill – Strategic Financial Planning
- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Inspections
- Selectman Reault – Northern Middlesex Council Of Government
- Selectman Lemoine – Economic Development
- Selectman Jackson – The Early Childhood Center

6. Town Administrator's Reports

Report is available online at www.tyngsboroughma.gov

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

7. 8:30 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

8. 9:30 P.M. Adjournment

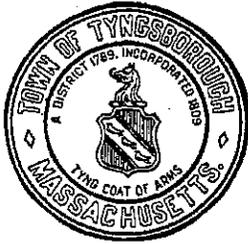
Future Meetings

Selectmen's Work Session Monday November 1, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, November 8, 2010 at 6:00 P.M. at Town Hall Offices

**Special Town Meeting, November 16, 2010 at 7:00 P.M. at the Tyngsborough Elementary School,
205 Westford Road.

Selectmen's Meeting Monday, November 22, 2010 at 6:00 P.M. at Town Hall Offices



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

FROM: Michael P. Gilleberto, Town Administrator 
Therese Gay, Administrative Assistant

TO: Board of Selectmen

DATE: November 19, 2010

RE: License Renewals

Attached please find a comprehensive list of all license issued by the Board of Selectmen. Those establishments which have returned the necessary paperwork and payment have been annotated and are ready for Board action to approve renewal. Further detail from the files of each establishment is available for viewing in the Administration Office.

I have consulted with Town Counsel and he has advised that the renewal process is ministerial in nature. If the Board wishes to modify or otherwise adjust a license, he advises that a hearing be set independently of the renewal process.

Finally, we are circulating this list to Town Departments for verification of good standing.

COMMON VICTUALLER LICENSES

Akshrdham, LLC License #CV-40 Rec'd 11/1/10
DBA Lukoil/Mini-Mart Common Victualler's License Paid \$75.00
Jay Patel, Mgr. * 9 Sanford Road, Cheimsford, MA 01824
397-399 Middlesex Road 508 725-5526 or 978 256-5499
978 649- 6120
Capacity
2 – Transient Customers

ARAMARK Corp. License # CV-31 Rec'd 10/27/10
Greater Lowell Regional School Common Victualler's License Paid \$75.00
Cheryl Cole, Mgr.
250 Pawtucket Blvd
978 454-5411
Seating Capacity
Dining Room - 200

Bittersweet Bake Shoppe License # CV-74
Lynne Donnelly, Mgr. Common Victualler's License
9 Kendall Road
978 649-2253

Brickhouse Pizza License #CV-43 Rec'd 10/27/10
Michael Brown & Brian Ackley Common Victualler's License Paid \$75.00
266 Middlesex Road
978 649-0744
Seating Capacity
1st floor - 30

Comets License # CV-68 Rec'd 10/25/10
Michael Vachon, Mgr. Common Victualler's license Paid \$75.00
22 Westford Road
978 649-4646
Seating Capacity
1st floor –

Country View Diner License # CV-48 Rec'd 10/26/10
Arben Kameniku Common Victualler's License Paid \$75.00
171 Middlesex Road
978-649-1396
Seating Capacity
1st floor - 30

Global Montello Group, Corp/Mobil #2701 License #CV-41 Rec'd 11/10/10
DBA On The Run Store Common Victualler's License Paid \$75.00
Edward J. Faneuil, Mgr. **Mail to: Alliance Energy LLC, Legal Dept**
95-99 Westford Road **404 Wyman Street Suite 425, Waltham, MA 02154**
978 649-4321 FAX 978 649-7757 *56 Gatewood Drive, Needham, MA 02492 (781 398-4211)

COMMON VICTUALLER'S LICENSES cont'd

Kentucky Fried Chicken
Vincent Goggin, Mgr.
440 Middlesex Road
978 649-4237
Seating Capacity
1st floor - 40

License #CV-36
Common Victualler's License
Mail to: 6 Tacoma Circle, Nashua, NH 03061

Rec'd 11/2/10
Paid \$75.00

Lake East Restaurant
Xin Yun, Inc.
Xiao Yun Wang, Mgr.
240 Lakeview Avenue
978 649-2250
Seating Capacity
1st floor - 20

License #CV-37
Common Victualler's License
25 Winthrop Ave. #2 Quincy, MA 02170

Rec'd 10/25/10
Paid \$75.00

Lakeside Pizza
George Bousios, Mgr.
24 Parham Road
Tyngsborough, Ma 01879
978 649-8880
Seating Capacity
1st floor - 8

License #CV-66
Common Victualler's License

Rec'd 10/19/10
Paid \$75.00

L'l Lobster Boat, LLC
440 Middlesex Road
978 649-1995
Seating Capacity
1st floor - 40

License #CV-69
Common Victualler's License
Mail - Stephen Varrieur, 21 Woodhawk Way, Litchfield, NH 03052

Rec'd 10/22/10
Paid \$75.00

Pizza Pizzazz
Ellen Raikos, Mgr.
130 Middlesex Road
978 649-9912
Seating Capacity
1st floor - 14

License #CV-42
Common Victualler's License

COMMON VICTUALLER'S LICENSES cont'd

Sal's Pizza
Keith Tassinari, Mgr.
440 Middlesex Road
978 649-
Seating Capacity
1st Floor -

License #CV-
Common Victualler's License

Rec'd 11/1/10
Paid \$75.00

Skate 3 Snack Bar
Alec Shortianitis, Mgr
355 Middlesex Road
978 649-4022
Seating Capacity
1st floor - 42

License #CV-44
Common Victualler's License

Rec'd 11/10/10
Paid \$75.00

Sullivan Farms Ice Cream
Robert Sullivan, Mgr.
176 Middlesex Road
978 649-9202 or 978 256-3464

License #CV-45
Common Victualler's License
Mailing Address: 10 Moonbeam Ave Chelmsford, MA

Tyngsborough House of Pizza
Thomas Lafferty, Mgr.
92 Middlesex Road

License #CV-55
Common Victualler's License

Tyngsboro-Op, LLC
DBA Dunkin Donuts
440 Middlesex Road
978 649-9398
Seating Capacity
1st floor - 44

License #CV-34
Common Victualler's License
Mail to: NGP Management, LLC, Attn: Shari 3 Pluff Ave
North Reading, MA 01844
978 898-1200

Rec'd 10/28/10
Paid \$75.00

Whitson's Culinary Group
Michelle Hevey, Mgr.
Tyngsborough School Cafeterias
Jr. Sr. High School
Norris Road
Seating Capacity
Early Childhood Dev Center Cafeteria - 300
Elementary Café - 538
Junior High Café - 500
Senior High Café - 500

License # CV-47
Common Victualler's License

Rec'd 11/17/10
Fee Waived

CLASS I LICENSE

New England Transit Sales
George Logan
30 Progress Avenue
Tyngsborough, MA 01879

License # 1C-65

Rec'd 10/20/10
Paid \$100.00

CLASS II LICENSES

Auto Related, Inc.
DBA Modern Auto Sales
Joe Caggiano and Todd Sevigny, Mgr.
271 Middlesex Road
978 649-8855

License # 2C-55

Rec'd 10/18/10
Paid \$100.00

RESTRICTIONS: No more than 100 saleable vehicles on the premises at any given time with the following conditions: 1) no parking of motor vehicles on the buffer strip (6 ft back from the road), 2) no storage/repairs of motor vehicles/parts on the premises, 3) no holiday streamers or flags.

Flanders Family Trailers Sales, LLC
DBA Forrest Marine and RV
Bruce & Susan Flanders
426 Middlesex Road
978 649-7211

License # 2C-53

Rec'd 10/25/10
Paid \$100.00

RESTRICTIONS: No more than 20 saleable vehicles on the premises of which no more than 10 saleable vehicles may be passenger vehicles, at any given time.

LCM Auto Sales
Louis and Christine Mechalides
8 Davis Street
978 6497127 or 978 649-3182

License # 2C-54

Rec'd 11/4/10
Paid \$100.00

RESTRICTIONS: No more than 10 saleable vehicles on the premises at any given time.

CLASS II LICENSES Cont'd

Performance Sales, Inc.

License # 2C-57

Rec'd 10/27/10

Paid \$100.00

Ron Greenwood
28 Westford Road
978 649-9293

14 Crosby Lane, Chelmsford, MA 01824

RESTRICTIONS: No more than 15 saleable motor vehicles on the premises at any given time, with the following conditions: 1) no parking of motor vehicle on the buffer strip, 2) no repairs or storage of motor vehicles/parts within public view, and 3) no holiday streamers or flags.

Tyngsboro Equipment

License # 2C-59

Rec'd 10/25/10

Paid \$100.00

George Guilmette
P. O. Box 129
978 251-3689

(Brokerage License)

RESTRICTIONS: No motor vehicles on the premises at any given time.

Tyngsboro Motor Sales, Inc.

License # 2C-58

Rec'd 11/2/10

Paid \$100.00

John Griffith
370 Middlesex Road
978 649-7933 or 978 649-8637

RESTRICTIONS: No more than 65 saleable motor vehicles on the premises with the following conditions: 1) no parking of motor vehicles on the buffer strip (6 ft back from the road), 2) no repairs of motor vehicles, and no storage of parts within public view, 3) no holiday streamers or flags, 4) this facility is not to be a general repair garage and, 5) the licensee must maintain the catch basin and insure that there will be no dumping of hazardous material in said catch basin.

Tyngsborough Muffler and Brake

FID/SSN :

License # 2C-72

Rec'd 10/19/10

Paid \$100.00

Frank Acker
166 Lakeview Avenue
978 649-7163

RESTRICTIONS: No more than 5 saleable vehicles on the premises at any given time

NOTE

The Board of Selectmen, at their June 12, 1995 meeting voted unanimously to put a moratorium on the number of Class II Licenses issued. The Board capped the licenses at 10.

CLASS III JUNK CAR LICENSE

A. G. Pennino & Co.
39 Middlesex Road
Tyngsborough, MA 01879

License # 3C-63
Special Permit/Board of Selectmen
Mailing Address: Alfred Pennino, 264 Park Avenue
Arlington, MA 02174

Rec'd 11/4/10
Paid \$100.00

RESTRICTIONS: 1) No more than 4 construction or heavy equipment vehicles may be stored, parked, or displayed for sale at any one time in the designated vehicle sales area. Only construction and heavy equipment vehicles may be parked for sale, and all other motor vehicles of any kind whatsoever including automobiles or their parts shall not be sold on the premises. 2) No partially disassembled or dismantled construction or heavy equipment vehicle or any other kind of motor vehicle whatsoever shall be stored on the premises in the public view. 3) The Licensee shall comply at all times with the Zoning by-laws and Sign by-laws; and, in particular, the licensee shall not display pennants or flags of any kind or in any way whatsoever, except, one flag of the United States of America may be properly displayed.

Tech Heng Enterprises
DBA Tech Heng Used Auto Parts
47 Middlesex Road
978 649-6584

Michael Ing, Proprietor License # 3C-60

Rec'd 10/18/10
Paid \$100.00

RESTRICTIONS: All junk to be shielded from public view. *NOTE - Also has a general license to park tractors and trailers on the premises.

Duff's Garage, Inc.
Warren W. Allgrove, Jr.
90, 92, 94 Kendall Road
978 649-7651

License # 3C-61

Rec'd 10/25/10
Paid \$100.00

RESTRICTIONS: NONE

ALL ALCOHOLIC CLUB LICENSES

Robert D. Pelletier American Legion Post #247 / License #129800011
American Legion Post #247 All Alcoholic Club License
John Burke, Mgr. Common Victualler's License
80 Pawtucket Blvd Automatic Amusement Devices License
978 649-7540 1 Jukebox, 1 Pool Table, 1 Megatouch,
Capacity Weekday Entertainment License
Hall - 169 Sunday Entertainment State Form
Bar - 60 Sunday Entertainment Town Form

Tyngsboro Sportsman Club, Inc. / License #129800036
DBA Tyngsboro Sportsmen's Club All Alcoholic Club License
James Hustins, Mgr. Common Victualler's License
90 Westford Road Mail to: PO Box 65
Capacity
Hall - 300

Vesper Country Club, Inc. / License #129800013/129800042(9th Hole Wine & Malt Club)
DBA Vesper Country Club All Alcoholic Club License
Kasey Cummings, Mgr. Weekday Entertainment License
185 Pawtucket Blvd Sunday Entertainment License/Town Form
978 458-8731 Wine and Malt License for 9th Hole
Capacity Common Victualler's License
Club House - 250 Sunday Entertainment License/State Form,
Main House
Dinning Rm - 40
Grill Room - 40
Living Room - 40
Ball Room - 85

ALL ALCOHOLIC RESTAURANT LICENSES

Barbeque Integrated, Inc. / License #129800035

DBA Smokey Bones BBQ #7515 All Alcoholic Restaurant License

Steve Blaise, Mgr. Common Victualler's License

431 Middlesex Road

978 649-4112

Seating Capacity

1 story - 325

Weekday Entertainment License - Disc Jockey, Bands (2guitars, singer, drummer and Karaoke) Automatic Amuse Device License

***Note - Send license application to Home Office**

Barbeque Integrated, Inc. Attn: Licensing Solutions-Kathy Shaver

5104 North Orange Blossom Trail, Suite 104 Orlando, FL 32810

407-299-2555 k@licensingsolutions.us

Brinker Mass Corporation / License #129800043

DBA On The Border

Thomas Ercoline, Mgr.

413 Middlesex Road

978 649-3040

Seating Capacity

1 Story - 304

All Alcoholic Restaurant License

Common Victualler's License

CLOSED

***NOTE: Send License Certificates to Corp Office**

Brinker International, Roberto Frano, Regional Licensing Manager,

6820 LBJ Freeway,

Dallas TX 75240-6515

Carrabba's/New England Limited Partnership / License #129800048

DBA Carrabba's Italian Grill

Kimberly Hanson, Mgr.

386 Middlesex Road

978 649-8388

Seating Capacity

1 Story - 259

All Alcoholic Restaurant License

Common Victualler License

***Note - Send License Certificate to Corp Office**

Carrabba's Italian Grill, Inc., Attn: Kim Suthard 813-282-1225

2202 N. West Shore Blvd. 5th Floor, Tampa, FL 33607-5747

CS Business Enterprises, LLC / License #129800009

DBA Angela's Coal Fired Pizza at Tyngsborough

Alfonso Guevara, Mgr.

361 Middlesex Road

978

Seating Capacity

1st floor dinning room - 250

FID/SSN

All Alcoholic Restaurant License

Common Victualler's License

Delpero Enterprises, Inc. / License #129800019

DBA Café Il Cpresso

Charlene Rogers, Mgr.

130 Middlesex Road

978 649-4118

Seating Capacity

1st floor - 70

lower level - 70

All Alcoholic Restaurant License

Common Victualler's License

Auto Amuse Devices License

1 Jukebox

Weekday Entertainment License

Sunday Entertainment License

ALCOHOLIC RESTAURANT LICENSE cont;d

Dracut Food Service., Inc. / License #129800005

DBA Thirsty's
Thien Dang, Mgr.
25 Parham Road
978 649-9524

Seating Capacity

1 Story - 53

All Alcoholic Restaurant License
Common Victualler's License Mail Add 1167 Lakeview Ave
Automatic Amusement Devices License Dracut, MA 01826
1 Juke Box, 1 Pool Table, 1 Megatouch Force 2005
2 Video Pokers,
Sunday/Weekday Entertainment/Auto Amuse Devices License

GMRI, Inc. / License #129800007

DBA The Olive Garden Italian Restaurant
Matthew Ducharme, Mgr.
422 Middlesex Road
978 649-7300/978 649-6727

Seating Capacity

1 story - 99

All Alcoholic Restaurant License
Common Victualler's License

***Note - Send license application to Home Office**

GMRI, Inc. Barbara Torino, License Admin.

P. O. Box 593330, Orlando, FL 32859-3330

KAZ United Corp., Inc. / 129800053

DBA Michael's Pub
Michael Kazanjian, Mgr.
147 Frost Road
978 649-3040

Seating Capacity

1 story - 248

Outdoor Area - 210

All Alcoholic Restaurant License
Common Victualler's License

Maxamillians, Inc., / License #129800047

DBA Maxamillians Billiards, Food, Spirits
Glen Arthur Stanbury, Mgr.
315 Middlesex Road
978 649-0400

Seating Capacity

1st Floor -

All Alcoholic Restaurant License
Common Victualler's License
Automatic Amusement Devices License for
1 Jukebox, 16 Pool Tables, 2Mega Touch Force 2002
and 1 Golden Tee Golf
Weekday Entertainment License/Sunday Entertainment

Outback New England Inc., LTD Partnership / License #129800039

DBA Outback Steakhouse
Robert Webb, Mgr.
440 Middlesex Road
978 649-8700

Seating Capacity

1 Story - 266

All Alcoholic Restaurant License
Common Victualler's License

***Note - Send License Certificate to Corp Office**

Outback Steakhouse, Inc., Attn: Kim Suthard

2202 N. West Shore Blvd. 5th Floor, Tampa, FL 33607-5747

ALCOHOLIC RESTAURANT LICENSE cont'd

Ramoura, Corp. / License #129800008

DBA O'Conley's
Robert Heroux, Mgr.
24 Middlesex Road P. O. Box 340
978 251-4042
Seating Capacity
1 Story - 140

All Alcoholic Restaurant License
Common Victualler's License
Automatic Amusement Devices License
1 Juke Box, 2 Pool Table, 1 Pin Ball, 2 Double Up, 1 Golden Tee,
1 Megatouch XL
Weekday Entertainment License
Sunday Entertainment/Automatic Amuse Dev Lic

Three Middlesex Tyngsboro/ License #129800033

DBA Dream Diner
Patrick K. Shanahan, Mgr.
384 Middlesex Road
978 649-7097
Seating Capacity
1st Floor 60

All Alcoholic Restaurant License
Common Victualler's License
Transfer to Dream Diner

Tyngsborough Entertainment Company, Inc. / License #129800002

Blue Moon Lounge
Debra Dubois, Mgr.
130 Frost Road
978 649-9018
Seating Capacity
1 Story - 154

All Alcoholic Restaurant License
Common Victualler's License
Weekday Entertainment License
Sunday Entertainment License

Tyngsboro Country Club, Inc. / License #129800040

DBA Tyngsboro Country Club
Tammy Capra Gareau, Mgr.
58 Sherburne Avenue/PO Box 459
978 649-9792 or
978 649-7334
1st floor - 190 Banquet Hall
Clubhouse - 15

All Alcoholic Restaurant License
Common Victualler's License
Weekday/Sunday Entertainment Lic

ALCOHOLIC RESTAURANT LICENSE cont'd

Tyngsboro Sports Center/#129800054
Darryl Wickens, Corp Officer
18 Progress Avenue
978 649-4402

All Alcohol General on Premise
Common Victualler License
Public Entertainment License – Recreation Center
Sunday Entertainment
License # Automatic Amusement 73

Auto Amuse Machines- 1 Stacker ML019120, 1 Lucky Leprechan
00123A, 1 Sports Zone 00123, 1 Ms Pac Man 1195, 1 Soccer Ball 99048,
1 Nascar Crane 25161, 1 Hydro Thunder 0178, 1 Maximum Force
30113105445, 1 Candy Cane 51817, 1Gravity Hill 8816, 1Skittle Ball 7543

ALL ALCOHOLIC INNHOLDERS LICENSE

Stonehedge Inn, Inc. / License #129800014

Stonehedge Inn
Levent Bozkurt, Mgr.
170 Pawtucket Blvd
978 649-4342

All Alcoholic Inn License
Wine Only Retail Sales Lic #129800051 – 160 Pawtucket Blvd
Common Victualler's License

Place of Assembly – Seating Capacity

Library - 45	Dressing Room - 20	restrooms - 18
Lobby - 5	Guest Room - 118	kitchen - 20
Employee Lounge – 20		entry - 4
Dinning Room - 325		service bar - 4
Function Room – 150		offices - 5



WINE and MALT RESTAURANT LICENSES

Demari Montini (USA), LTD / License #129800041

DBA Bella Italia

Wine & Malt Restaurant License

Filomena Batista, Mgr.

Common Victualler's License

22 Pondview Place

649-3697

Seating Capacity

1st floor - 48

Delpero Enterprises, Inc. / License #129800049

DBA Caffee IL Ciproso

Wine & Malt Restuaurant License

Kathleen Delpero, Mgr.

Common Victualler's License

130B Middlesex Road

978 649-3128

Seating Capacity

1st floor - 25

George Tsingos & Anastasios Doukas / License #129800022

Flint's Pizza & Seafood

Wine & Malt Restaurant License

Anastasios Doukas, Mgr.

Common Victualler's License

150 Westford Road

978 649-3639

Seating Capacity

1st floor - 25

Iperos, Inc. / License #129800006

DBA Olympic Pizza

Wine & Malt Restaurant License

Dimosthenis Pappas, Mgr.

Common Victualler's License

240 Lakeview Avenue

978 649-6700

Seating Capacity

1st floor - 36





WINE AND MALT PACKAGE STORE

ANJALI, Inc. / License #129800050
DBA Sun City Variety Wine & Malt Package Store License
Meena J. Patel, Mgr. Common Victualler's License
240 Lakeview Avenue
978 649-2707

Akesh, Inc. / License #129800038
DBA Bridgeview Convenience Store Wine & Malt Package Store License
Jayesh Patel, Mgr. Common Victualler's License
172 Middlesex Road
978 649-4380

Murco, Inc. / License #129800017
DBA Tyngsboro General Store Wine & Malt Package Store License
Shawn Murphy, Mgr. Common Victualler's License
130 Middlesex Road 978 649-9070

New England Wine Company, LTD / License #129800046
DBA Wine Society Wine & Malt Package Store License
Charles J. Saunders, Mgr. Common Victualler's License
18 Pondview Place
978 649-8993 **CLOSED – NO Facility**

ALL ALCOHOLIC PACKAGE STORE LICENSES

P. Shiv, Inc./ License #129800045
DBA Flint's Corner Convenient Store All Alcoholic Package Store
Bhavin S. Patel, Mgr. Common Victualler's License
150 Westford Road 978 649-1476

The Liquor Shop Tyngsboro, Inc. License #129800052
DBA The Liquor Shop All Alcoholic Package Store License
George Miamis, Mgr.
440 Middlesex Road
978 649-

Ziemiak Enterprises, Inc. / License #129800024
DBA G & G Liquors All Alcoholic Package Store
David Ziemiak, Mgr.
22 Westford Road
978 649-3692



GENERAL LICENSES

American Multi-Cinema, Inc.
DBA AMC Theatres Tyngsboro 12
Vinny Vecchione, Mgr.
440 Middlesex Road
978 649-4158

Seating Capacity

1st cinema - 172
2nd cinema - 150
3rd cinema - 126
4th cinema - 360
5th cinema - 238
6th cinema - 171

License # CV-51

General License - 12 movie screens
Common Victualler's License

AMC Theatres, Attn: Gene Davis, Licenses and Permits
920 Main St, Kansas City, MO 64105 – 816 221-4000 ext.385
Fax 816 480-4735

7th cinema - 171
8th cinema - 238
9th cinema - 360
10th cinema - 125
11th cinema - 150
12th cinema - 172 =2,433

NAMCO, Cybertainment, Inc.
At: AMC Theatres Tyngsboro 12
Attn: Doreen Collins
877 Supreme Drive
Bensenville, IL 60106

License # Automatic Amusement 51

Auto Amuse. Device, 1 Gauntlet Legends, 1 Hollywood Photo,
1Pinnacle Crane, 1 Point Blank, 1Sega Super GT Twin,
1 Gauntlet 3, 1-18 Wheeler, 2-The Last Bounty Hunter
630-238-2200 Ext. 2276

Funtageous, Inc,
DBA Funtageous
Joseph & Liosa DiPilato
18 Pondview Place
978 430-4657
Capacity

License # CV- 74

Public Entertainment License - Arcade
Common Victualler's License

Auto Amuse Devices License Fast Track Air Hockey Table,
Great American Junior Air Hockey; 2Eagle Pool Table
Pump It Up Dance Floor; Mad Wave Motion Theater; Need for
2Speed Underground; Nick Toons Racing; Tekken 5; 2Maximum
Speed Recovery; Maximum Crossfire Paintball; Bulldozer Kiddy
Ride; Pool Table.

Weekday/Sunday Entertainment License

Hoffman Family Golf, Inc.
DBA Max's Golf
Peter Hoffman, Mgr.
383 Middlesex Road
978 649-2020

License #CV-38

Common Victualler's License
Weekday/Sunday Entertainment
Public Amusement – Golf Driving Range

Seating Capacity

1st floor - 4

Mailing Address: 24 Tupelo Rd, Swampscott, Ma 01907

Hudson Roller, Inc.
DBA Roller Kingdom
Leland Thiese, Mgr.
355 Middlesex Road PO Box 355
978 649-3439

License # CV-49

General License - Roller Skating
Common Victualler's License

Capacity

1st floor - 1,000
2nd floor - 40

Auto Amuse Devices License 1 Wheel of Fortune, 1 Fast
Rack, 1 Hoop Fever, 1 Cyclone, 2 Ice Ball, 1 Wonder Wheel, 1 Ms
Pacman/Galaga, 1 Mighty Driver, 1 Daytona USA , 1-Pinnacles, 1-Sports Arena
Weekday Entertainment License (Laser Tag)
Sunday Entertainment/Automatic Amusement License



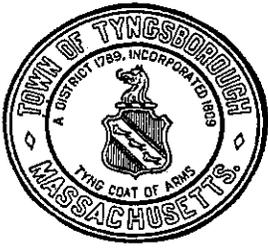
Northeast Trust
DBA Skate III
James Schultz, Mgr.
355 Middlesex Road
978 649-7913

License # CV-50
General License - Ice Skating
Capacity
Red rink -1900/White rink -100/Blue rink -100

The Pines Restaurant
Gene & Colleen Gabriel, Mgr.
194 Frost Road
978 649-7662
Seating Capacity
1st floor - 39

License #CV-46
Common Victualler's License
Auto Amuse Device - 1 Riviera by Merit
Mailing Address: 34 Woodlawn St Tyngsborough, MA





TOWN OF TYNGSBOROUGH

Board of Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2314 Fax: 978 649-2310

To: William Mulligan, Chief of Police, Tyngsborough, MA
Fm: Richard Lemoine, Selectman
Dt: November 18, 2010

RE: Request for information, Master Patrolman

Chief Mulligan:

As the Board of Selectmen and members of the Police Union have recently taken vote on the FY-2011 Police Union Contract, it has caused me concern that I was unable to support the contract proposal due to my verbal request for written clarification regarding what are Master Patrolmen in the organizational structure, their function, and what process is recognized to appoint officers. I respectfully recognize that due to the expediency in timing for both the Board of Selectmen and Union to move forward and present a contract for funding consideration at the November 16, 2010 Special Town Meeting, this information was not forthcoming.

As Selectman and responsible for assuring the Public confidence and trust be protected, I request that a brief statement be provided as purpose of title, function and process that will enable a Patrolman to achieve appointment of Master Patrolman.

Whereas I had fully supported the Police Union and Town negotiations until this final bargaining consideration was proposed, I remain open minded that after reviewing your timely response I may rescind my position as to continue to affirm support and sign the FY-2011 Police contract, (as I have signed and supported in previous negotiation years). I have a tremendous respect for our Police Department and the exceptional public safety services that each member provides to our community and look forward to continuing to support their efforts and programs.

Sincerely Yours;
Richard Lemoine
Rich Lemoine, Selectman

CC: Board of Selectmen
Town Administrator
Shawn Woods, Union President
New England Police Benevolent Assoc. Inc. Local 8

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

November 17, 2010

Ms. Ashley O'Neill, Chairperson
Board of Selectmen
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

File: Tyngsborough

Re: Litigation Pending

Dear Chairperson O'Neill and Board Members:

The following is a list of cases pending:

1. Vaillancourt, David
v. DeCarteret, et al. Planning Board
and Gray Wolf Realty, LLC
Middlesex Superior Court #08-0317-L

Parties deposing witnesses and awaiting a trial date assignment.

2. Pacheco, Brad M. v. Conservation Commission, DEP
Middlesex Superior Court, C. A. No.: 03-1645:

3. Shyjan, Michael and Joan v. Tinnerella, Ann and Massachusetts Department of
Environmental Protection, and the Town of Tyngsborough Conservation
Commission
Middlesex Superior Court, C. A. No.: 05-1670:

NOV 18 PM 1:14
TYNGSBOROUGH, MA

CHARLES J. ZAROULIS LAW OFFICES

Ms. Ashley O'Neill, Chairperson

Re Litigation Pending

Page 2 of 2

4. Tyngsborough Police Department v. Tiffany Equipment Company Construction Co.
Police Detail, Taunton District Court, C.A. No.: 0931 SPO 818:
5. Lantry, Thomas v. ZBA
Middlesex Superior Court No.: 2006 MICV-02491-L:
6. Herr, Samuel v. Conservation Commission and Town
Middlesex Superior Court No.: 10-0042:
7. Toner, David v. ZBA
Land Court No.: 10-441827:
8. Dupell, Mark v. Mical, Patrick & Martha Szabo
Middlesex Superior Court No.: 04-1089-L:

Please note that a monthly report is forwarded to the Board of Selectmen of all daily activity, including litigation. If the Board has any questions please call.

Sincerely yours,

Charles J. Zaroulis
Town Counsel

CJZ:ksz

cc: Mr. Michael Gilleberto, Town Administrator

Tyngs/Litigation Pending



Northern Middlesex Council of Governments

NOTICE OF PUBLIC MEETING

A Multi-Disciplinary
Regional Planning
Agency Serving:

Billerica
Chelmsford
Dracut
Dunstable
Lowell
Pepperell
Salem
Tyngsborough
Westford

A public meeting will be held on Wednesday, December 1, 2010 at 6:00 P.M. to receive comments on the proposed amendment to the FY 2011-2014 Transportation Improvement Program. The meeting will be held at the Northern Middlesex Council of Governments office, 40 Church Street, Suite 200, Lowell, MA. Copies of the Transportation Improvement Program amendment are posted on our web site at www.nmcog.org.

For additional information, please call (978) 454-8021. Please note, the TIP contains the program of projects for the Lowell Regional Transit Authority (LRTA). The MPO's public participation process satisfies the LRTA's public participation requirements for the program of projects.

Stephen C. Themelis
Chair

Beverly A. Woods
Executive Director

40 Church Street
Suite 200
Lowell, MA
01852-2686

TEL: (978) 454-8021

FAX: (978) 454-8023

www.nmcog.org

City/Town Clerks: PLEASE POST PURSUANT TO OPEN MEETING LAW

RECEIVED
TYNGSBOROUGH, MA
NOV 19 2010



Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Timothy P. Cahill
Treasurer and Receiver General

Kim S. Gainsboro
Chairman

Notice of Informational Hearing

Murco, Inc.
dba Tyngsboro General Store
130 Middlesex Road, Unit #3
Tyngsborough, MA 01879
License#: 129800017

You are hereby notified that the Commission will hold a hearing on:

Tuesday, January 11, 2011 at 11:00 a.m.

at 239 Causeway Street, 1st floor, Boston, MA to determine whether your application for removal from the credit delinquency list pursuant to Massachusetts General Laws Chapter 138, §25 and 204 CMR 2.13(4) should be approved or disapproved.

Hearings are held pursuant to M.G.L. C. 138, C. 30A and 801 Code of Massachusetts Regulations, s.s. 1.02 and 1.03. You may appear on your own behalf or with your attorney. Hearings are tape-recorded. Pursuant to M.G.L. C 30A, S11 (6) written transcripts will be furnished if requested in writing with tender of payment. You may arrange for your own stenographer. Reports, if any, may be examined and copied at the Commission's office.

Note: It is important that applicants, licensees and those interested in this matter attend the hearing to present evidence and testimony. The Commission, in some cases, has the power to suspend, modify, revoke, cancel or refuse to issue licenses.

Dated at Boston, Massachusetts this 10th day of November 2010.

Kim S. Gainsboro
 Chairman

cc: Local Licensing Board
 Frederick G. Mahony, Chief Investigator
 File

RECEIVED
 11/15/10 11:00 AM
 11/15/10 11:00 AM

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686

Telephone (978) 458-4583

Facsimile (978) 937-0950

November 11, 2010

Matthew C. Donahue, Esq.
Eno, Boulay, Martin & Donahue, LLP
21 George Street
Lowell, MA 01852-2283

File: Tyngsborough

**Re: Vaillancourt, David
v. DeCarteret, et al. Planning Board
& Gray Wolf Realty, LLC
Superior Court #08-0317-L**

Dear Atty. Donahue:

This letter is in response to your letter of November 4, 2010, requesting that I produce ten named individuals for depositions.

Of the ten named individuals, five are no longer town officials or employees, or are unknown to me.

As to the present town officials, I must at this time decline your request that they be available for depositions for the following reasons:

1. No reasons have been provided to me as to why their testimony is necessary for this case.
2. Depositions are inappropriate since the reviewing court hears evidence denovo, and the mental process of individual board members is irrelevant to the trial court's review of the stated basis for the Board's or Town Meeting's decisions.

You have not articulated any basis on which the deposition of any board member or town official would produce material that is either relevant or calculated to lead to discovery of admissible evidence.

Please call if you have any questions, or to discuss.

CHARLES J. ZAROULIS LAW OFFICES

Matthew C. Donahue, Esq.
Re Vaillancourt, David
v. DeCarteret, et al. Planning Board
& Grey Wolf Realty, LLC
Superior Court #08-0317-L
November 11, 2010

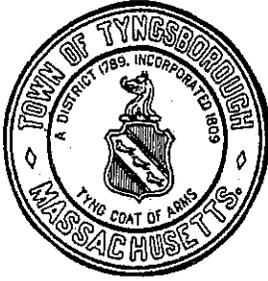
Page 2 of 2

Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ:ksz

cc: Board of Selectmen
cc: Planning Board
cc: Peter Nicosia, Esq.



**Town of Tyngsborough
Zoning Board of Appeals**

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 NOV -5 11:11 AM
TOWN OF TYNGSBOROUGH
TYNGSBOROUGH, MA.

November 3, 2010

Mr. Steve Kominski
Dakota Partners
1264 Main St.
Waltham, MA 02451

RE: Name Change to "Whitman Woods"
Dakota Partners Apartment Development, Tyngsboro, MA

Dear Steve,

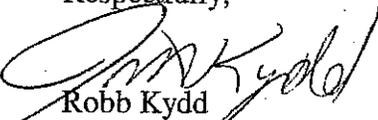
This letter is being sent to alert you that the current name of Whitman Woods has not officially been recognized for the project currently under construction by Dakota Partners adjacent to the "Maple Ridge Development" in Tyngsboro MA. The Zoning Board of Appeals is requesting you apply for a name change and accompanying written request at the next scheduled hearing of the Zoning Board of Appeals. The Board would like to clarify the current paperwork to clearly delineate the name change to prevent any inaccuracies or misinterpretations in the future.

The actions required by you are as follows:

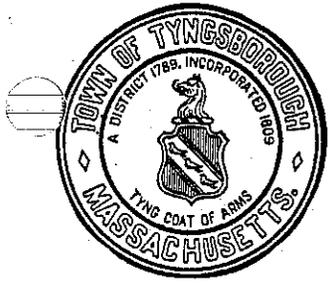
- 1) Contact the town Zoning Board of Appeals and schedule an application for name change hearing (next scheduled meeting is December 9, 2010 at 6:30pm at Tyngsboro Town Hall).
- 2) Attend the next scheduled hearing on December 9th.

If you have any questions please call me at 978-649-2300, ext 112.

Respectfully,


Robb Kydd
Chairperson

Cc: Michael Gilleberto, Town Administrator
Board of Selectmen
Donald A. Crowell, Building Commissioner



Town of Tyngsborough

Recreation Department

25 Bryants Lane - Tyngsborough, Massachusetts 01879-1003

Phone: (978) 649-2300, Ext. 150 - Fax: (978) 649-2301

amenamara@tyngsboroughma.gov

Alison McNamara - Director

November 8, 2010

Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

Re: Festival of Trees and Tree lighting ceremony

Selectmen,

The Recreation Committee has set the dates for the second annual Tree Festival. Last year the event took place at the Pheasant Lane Mall. The traffic the event received was not as hoped and we have chosen not to return to the location. The Committee would like to seek permission to use the Littlefield Library Building on Dec 2-5 for this event. Our hope is to make it more of a community event and tie in the lighting of the common with the Festival.

The Tree Festival would be open to the public for viewing and voting Thursday & Friday 3:30-8PM, Saturday 12Noon- 8PM and Sunday 12Noon to 5PM. Additionally a craft area will be set-up downstairs during these hours, where children can make and take 2-3 ornaments. On Saturday we would like to welcome Santa with the assistance of the Fire Department, and light the lights on the Town Common. The Historical Commission will also display historic Tyngsborough items and have someone on hand to answer and discuss questions of our town's history. We feel this will make for a true community event beginning the holiday season.

With your permission we will begin advertising and gathering community businesses, organizations and groups to donate trees, wreaths and other holiday décor. Please let us know if you would like to discuss any details with us.

Sincerely,

Alison McNamara

Tyngsborough Recreation Director

RECEIVED
TOWN OF TYNGSBOROUGH
NOV 10 2010

November 12, 2010

received 11-12-2010

Board of Selectmen
Town of Tyngsborough
25 Bryant's Lane
Tyngsborough, MA 01879

NOV 19 10 51 AM '10
TOWN OF TYNGSBOROUGH MA

Dear Board Members,

This is a letter of interest regarding serving on the Cultural Council for Tyngsborough.

I am an experienced producer of Shakespearian drama for *All the World's a Stage Players*, Littleton, MA and *Theater III*, Acton, MA as well as music co-coordinator for Church of the Latter-Day-Saints, Lowell, MA.

I would like to use my experience for the good of the town and would be interested to serve on the Cultural Committee.

Thank you for your consideration.

Sincerely yours,



Tammy Adams
29 Scribner Rd.
Tyngsboro, MA 01879

Christina Dugas
4 Brookside Road
Tyngsborough, MA 01879
978-649-3906

2010 NOV -3 11:11:56

RECEIVED
TOWN OF TYNGSBOROUGH, MA.

October 29, 2010

Board of Selectmen
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

Dear Chairman O'Neill and Board Members,

As a Town of Tyngsborough resident, passionate about Arts and Culture, I would like to express my interest in serving on the Tyngsborough Cultural Council.

I have been involved, on a volunteer basis, at the Western Avenue Studios in Lowell for The Miracle Providers NE. I am also the chairperson for Partners In Time a volunteer program thru Macy's. I know that I could bring with me the know-how and mindful intelligence for decision making pertaining to the grant process.

I would be happy to benefit the Town of Tyngsborough through this appointment to the Cultural Council.

Sincerely,



Christina Dugas



Therese Gay <tgay@tyngsboroughma.gov>

interest from Sujatha Meyyappan

Jeffrey Lipsky <jeffrey_lipsky@yahoo.com>
To: Therese Gay <tgay@tyngsboroughma.gov>

Wed, Oct 13, 2010 at 1:51 PM

Hi Therese,

Here's the email Suja sent to me.

Hi,

Good Evening! My name is Sujatha Meyyappan. I live in Tyngsboro. I'm a professional Indian Classical Dancer (Type - Bharathanatyam). I came across this town cultural council and I would very much like to be a part of it and get involved in any ways like performing, helping, organising etc.,

Here are the details about me:

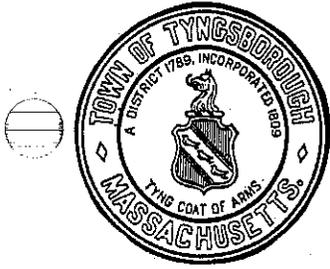
I am a Classical Bharathanatyam dancer – one of India 's ancient dance forms. I started learning this dance form when I was 3 years old. I have more than 20 years of experience in learning, performing and teaching this art form. Though I'm a Medical Quality Engineer in profession, I am very dedicated to passing on this traditional art form to next generations. I have completed couple of charity programs in the Massachusetts area and am planning to do more.

I moved to Tyngsboro in 2004 and I came to know about this town Cultural Council. Being an artist, I felt a strong need to connect myself with Tyngsboro Cultural Council and hence I contacted Jeff Lipsky. After hearing the purpose & goal of Tyngsboro Cultural Council, I'm very excited to be a part of the same as I can be another productive member for any and all upcoming events and happenings for the betterment of Tyngsboro town.

Please let me know if you need more information

Thank You,
Sujatha Meyyappan
12 Overlook Dr ,
Tyngsboro MA 01879

jeFF
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Lu
tn
bo
y



Tyngsborough Board of Health

Town Hall

25 Bryants Lane

Tyngsborough, MA 01879

Office: (978) 649-2300 Ext 118

Fax: (978) 649-2301

2010 NOV 15 11:08:15

SHARON C. QUINN
TYNGSBOROUGH, MA.

Frederick Wendt, Chairman

Bernadette Harper
Christopher Mellen

Sheila Perrault, Vice-Chairman
Patricia Quinn

Board of Health Meeting Minutes October 18, 2010

Members Present: Frederick Wendt, Sheila Perrault, Christopher Mellen, Patricia Quinn,

Meeting Opened

6:00 P.M.

6:10 P.M. Meeting Opened
PQ: Motion to open meeting
FW: 2nd the motion
Voting Yes – 3 Opposed – 0 (SP late)

Minutes presented for the September 13, 2010 meeting
CM: Motion to approve the minutes from September 13, 2010 as presented.
PQ: 2nd the motion
Voting Yes – 3 Opposed – 0 (SP late)

Agenda Items

6:15 P.M. **5-7 Westford Road** – Continuance of hearing from 8/9/10 for 5-7 Westford Road. Housing violations over 30 days old. Michael Brown, home owner and his Attorney Brian Sullivan appeared to respond to the housing violations. Christine Leeds, the tenant was also in attendance.

Mr. Wendt reminded all parties that the purpose of this meeting was not to settle issues between the landlord and the tenant but to resolve the housing code violations that were found by our Health Inspector Kerri Oun.

Ms. Oun found that during her re-inspection there were still violations that have not been addressed. Mr. Brown disagreed with some of the inspectors findings. Mr. Wendt found that the build is still in violation. and this matter could either be brought before a Housing Court judge or Mr. Brown and Ms. Oun could meet at he property and make the inspection together so that each could be in agreement on the items that are outstanding. Mr. Brown agreed to meet Ms. Oun and appear at the November 8th Board of Health meeting with an update.

DRAFT

PQ: Motion to grant a 30-day extension to resolve the outstanding Housing Code violations at **5-7 Westford Road** and to continue this hearing to November 8th

CM: 2nd the motion.

Voting Yes – 3 Opposed – 0 (SP late)

6:30 P.M. Covanta Mercury Program -- Continuance from 8/9/10 and 9/13/10 of the discussion for shed placement and management of products containing mercury. Dan Harty, the MSP Coordinator from Covanta Energy came to a meeting to answers some additional questions from the Board.

Mr. Harty explained that Covanta Energy, the facility that receives the solid waste from Tyngsborough, is required by law to implement programs to eliminate Mercury from solid waste. Doing this will also eliminate contamination of soil and surface and ground water. Massachusetts Department of Environmental Protection oversees this Mercury Management Act. Covanta Energy is offering the town in their jurisdiction up to \$3000 to purchase a shed of our choice to hold the many items that contain mercury that are currently being disposed of in the trash. Some items containing mercury are fluorescent and CDL light bulbs, thermostats, barometers, thermometers, button batteries, blood pressure cuffs, handheld gaming devices, electronic switches and many more.

Covanta energy would pickup and dispose of items in the shed at no charge whenever the BOH requests a pickup. In addition, Cuoco & Cormier Engineering Associates, Inc. will be available at no charge to the BOH for consultations, to screen schools and public buildings for sources of mercury, train and assist staff, design programs for managing mercury waste and be a resource for the staff.

The Board will consider this information.

Additional Business

The State supplied doses of Seasonal Flu vaccine is due to be received this week. Ms. Quinn will speak with the Director at the Senior Center to set a date for when a Flu Clinic can be held there. Karen Steeves, Administrative Assistant, will check on the availability of the Community Room at the Town Hall for holding an additional clinic. It should be possible to hold these clinics sometime during the first 2 weeks of November.

Ms. Steeves is currently working on issues with the Septic issues at **Bridgecrest Condominiums**. Work was started at this in the Spring of 2010 but is currently on hold. The condominium management company has not responded to requests for work status updates. Delays and worksite issues has caused the BOH additional engineering inspection fees. Ms. Steeves will discuss these issues with the Board's engineer and look into charging the property management company fines and re-inspection fees.

There are inspectional code issues regarding the pool and spa at the Stonehedge Inn. The Board has asked Ms. Oun to issue a letter to the parties involved regarding the violations. If a response is not received within 7 days, the pool and spa will be closed per order of the BOH.

8:00 P.M.

Meeting Ajourned

SP: Motioned to adjourn.

PQ: 2nd the motion.

Voting Yes – 4 Opposed - 0

DRAFT



Respectfully for the Board of Health
Karen Steeves
Administrative Assistant

Maple Ridge Real Estate Development Corp.
315 Middlesex Road, Unit 3
Tyngsborough, MA 01879

November 11, 2010

Zoning Board of Appeals
Tyngsborough Town Offices
25 Bryants Lane
Tyngsborough, MA 01879

Re: ZBA Letter to Dakota Partners dated November 3, 2010

Dear Mr. Chairman and Members of the Board:

At the request of Dakota Partners, I am writing in response to your letter to Mr. Steve Kominski of Dakota Partners dated November 3, 2010. In your letter, you note that the "current name of Whitman Woods has not officially been recognized for the project currently under construction by Dakota Partners..." and that Dakota is "required" to "[c]ontact the town Zoning Board of Appeals and schedule an application for name change hearing..."

As the developer of the project, I am confused as to why you think a "name change" has occurred or needs any Board approval. To my knowledge, we have never submitted documents calling the apartments any specific name.

As you know, the project in question was approved by a Comprehensive Permit issued by this Board in a decision dated September 30, 2002, which was subsequently modified by a separate decision of this Board dated June 11, 2003 (as modified, the "Decision").

The Decision approved the construction of a three-component project, of which the apartments at issue are a single component. The initial application for the project was put forth by Maple Ridge Real Estate Development Corporation, and certain plans make reference to "Maple Ridge Development," but neither the application materials nor the Decision set forth any "official" name of the apartments. Indeed, throughout the Decision, the apartments are referred to as "Lot C" or the "apartments." Accordingly, given that the apartments component of the project has never had any "official" name, it is unclear why this Board would require a "name change hearing" at this juncture.

The Board suggests that the "required" name change hearing is to "clarify the current paperwork to clearly delineate the name change to prevent any inaccuracies or misinterpretations in the future;" however, it is unclear what sort of "inaccuracies or misinterpretations" the Board is referring to in its letter. The name "Whitman Woods" is the marketing name of the apartments component of the project, and by using the name "Whitman Woods" for marketing purposes, Dakota Partners has not made any material

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TYNGSBOROUGH
NOV 15 2010

changes to the project as it was approved. We do not believe any "inaccuracies or misinterpretations" of any kind should arise.

In fact, we never went to the Board nor is it mentioned in the permit for the marketing name of the single family homes, "**Maple Ridge Estates**" nor did we go to the Board for the 55+ homes for the marketing name "**The Villages of Maple Ridge**".

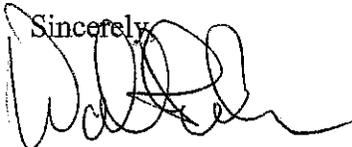
Once again, the subdivision name of Maple Ridge Development has not changed.

Finally, we are not aware of any provision under either Massachusetts law or the Town of Tyngsborough Zoning Bylaws that would empower this Board to require Dakota Partners to apply for a public hearing to have any official name of the project recognized or changed.

The use of the "Whitman Woods" marketing name does not constitute a change, either substantial or insubstantial, to the underlying comprehensive permit by which the project was approved since no "official" name was ever assigned to the apartments. Dakota Partners has no desire to engage its own (or the Town of Tyngsborough's) resources to apply for relief that is not required by law.

Of course, if you wish, I would be happy to discuss this matter with the Board in more detail.

Sincerely,



Walter K. Eriksen, Jr.

cc: Dakota Partners
Michael Gilleberto, Town Administrator
Board of Selectmen
Donald A. Crowell, Building Commissioner



William F. Mulligan
Chief of Police

Town of Tyngsborough

Police Department
20 Westford Road

Tyngsborough, Massachusetts 01879-0549



TEL: (978) 649 - 7504

FAX: (978) 649 - 2324

To: Michael Gilleberto
From: Chief William F. Mulligan *WFM*
Re: Sgt. Mark J. Bourque Take-home cruiser
Date: November 16, 2010

In March of 2010 Sgt. Mark J. Bourque approached me and Deputy Chief Burrows about being allowed to have a take-home cruiser. The reason for this request is that he is on the NEMLEC SWAT Team. The main reason for Sgt. Bourque's request to have a vehicle was this would allow him rapid response to call outs in our community as well as other NEMLEC communities.

While reviewing this request I checked to see what the department had been paying Sgt. Bourque over the last three years for mileage to respond to not only training but call outs for the SWAT team. I found that from 2007-2010 the department had pay Sgt. Bourque over \$2, 000, 00 in mileage reimbursements.

I Deputy Burrows and Sgt. Bourque continued to talk through the month of March. In April we agreed to allow Sgt. Bourque to use a 2006 Ford Explorer numbered as unit #10. This vehicle was chosen because we had received concerns from the sergeants that the vehicle was not as safe in responding to emergency that they preferred to use a cruiser.

I requested Sgt. Bourque make the request in writing so that we had a record of what we were agreeing to. I have attached a copy of this request dated April 04, 2010.

On Wednesday April 7, 2010 Deputy Chief Burrows sent out an email to the entire department with this information. I have attached this email. We also discussed this with the members of the E-Board of the union. As of this writing I have not received any complaints or concerns from the officers on this.

Before I approved this agreement I checked with other NEMLEC Chief's of Police I was advised that it is common practice to have SWAT officers assigned department vehicles. I contacted the head of the NEMLEC SWAT unit Chief Michael Begonis of the Wilmington MA Police Department. Chief Begonis told me it was the best practice to have SWAT officers have a vehicle available 24 hours a day while on duty and off. He stated that there could

be up to a 30 minute delay and higher if an officer had to respond back to the police station to pick up his equipment and vehicle. Chief Begonis stated not all SWAT officers have vehicle but if it where up to him they would.

As you can see from the agreement Sgt. Bourque invested over \$1,000.00 of his own money to be allowed to use this vehicle and safely store his weapons. He is also paying for general maintenance and repairs.

In my opinion this has been a benefit to both the community and the police department.

I have attached some photos of the equipment SWAT Officer wear while responding to calls.

If you have any questions or concerns please let me know.



This Site: SWAT

NEMLEC Intranet Website > Regional Response Team > SWAT > SWAT Pictures > Picture 096
SWAT Pictures: Picture 096

Edit Item | Delete Item | Manage Copies | Check Out | Alert Me

Name Picture 096

Preview



Title	
File Type	jpg
Picture Size	3216 x 2136
Date Picture Taken	
Description	
Keywords	

Created at 3/2/2009 10:57 by Steve Chaput
Last modified at 3/2/2009 10:57 by Steve Chaput



This Site: SWAT

NEMLEC Intranet Website > Regional Response Team > SWAT > SWAT Pictures > Picture 305

SWAT Pictures: Picture 305

Edit Item | Delete Item | Manage Copies | Check Out | Alert Me

Name Picture 305

Preview



Title

File Type jpg

Picture Size 3216 x 2136

Date Picture Taken

Description

Keywords

Created at 3/2/2009 11:02 by Steve Chaput
Last modified at 3/2/2009 11:02 by Steve Chaput

All Set
& Revised!

TO: Chief Mulligan
FROM: Sgt. Mark J. Bourque
DATE: 04/05/10
RE: 24/7 Take-home cruiser

Chief,

Over the past few months we have had numerous meetings and countless dialogue about me acquiring a take-home cruiser. Deputy Burrows and Off. Walsh have been present at a handful of those meetings. The last of which was held on Monday 04/05/10 at Noon in your office.

The initial dialogue had you and I agreeing on using Crown Vic #8 as a take-home 24/7 Swat and response vehicle. You had agreed to purchase the gun/rifle safe and I, in return, agreed to pay for any/all repairs and general upkeep of the vehicle.

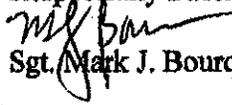
After lengthy discussion, it has been agreed upon by you, the deputy and I, that an Option "B" would serve both the Dept., town, and myself better with regards to the above matters. I will outline our agreement and parameters below, but you will find nothing that hasn't already been discussed and agreed upon.

The Ford Explorer, Unit #10 will become assigned to me as an unmarked, take-home, 24/7 response vehicle. This will benefit the department and Swat team, and make my response times more efficient.

- I agree to pay for: marker/decals removal; rifle safe purchase and installation; window tint for security of equipment; alarm system; as well as the general maintenance and repairs on said Ford Explorer Unit #10.
- It has approximately 56k miles and no one uses the vehicle except me. In fact, officers dread that vehicle for whatever the reason. It has been used exactly once since June 1st 2009 by someone other than me. This saves the Dept. approx. 800 – 900 dollars for the rifle safe.
- I also agree that the only time I can gas up at the town pumps is either before/after attending Swat and/or Honor guard trainings and callouts. Other than that I am willing to pay for my own gas.
- The town incurs the lonely cost of insuring the vehicle and registering it.
*The blue police plates would have to be changed to a normal registration.
- It was also agreed upon that in the event of unforeseen circumstances (ie. Special events for Dare, or tremendous snow storms) that I would make the Explorer available (if not on a callout) for Patrol use.

- The Deputy and Chief have agreed that in the future, if another cruiser becomes available with less miles perhaps, that I reserve the right to upgrade to that vehicle, if said vehicle was being put out to pasture, and yet had no further Departmental use.
- This cruiser will be parked at #3 Centercrest Drive and used on a personal basis for errands and local comings and goings. (ie. Food shopping, gym, haircuts etc etc)

Respectfully Submitted,


Sgt. Mark J. Bourque

Acknowledged on _____ 2010

Chief William Mulligan

Printed 11/16/2010 1:13:31 PM by "Burrows, Richard C Deputy Chief" <Richard.Burrows@law.mail>

From: Burrows, Richard C Deputy Chief
To: Georges, Stephen R Patrolman; Desilets, Stephen J Patrol; Kulisich, Peter D Patrolman; Weeks, Cynthia A Patrolman; Cote, Robert V Patrol; St. Pierre, Richard A Reserve; Rider, Christopher J Patrolman; Rubino, Charles W Patrolman; Martin, John P Dispatcher; Melanson, Charles Patrolman; Johnson, M Michael Dispatcher; Cassella, Michael Patrolman; Walsh, Thomas F Patrolman; Patalano, Paul A Reserve; Healey, Kenneth R Patrol; Fiskum, Aaron Reserve; Manning, Steven Patrolman; Morrison, Kimberly A Adm. Asst.; Mulligan, William F Chief; Burrows, Richard C Deputy Chief; Greenslade, Glenna G Dispatcher Supervisor; Carrucini, Walesca Dispatcher; Murray, Bonnie I Dispatcher; Ronan, Kevin M Dispatcher; Martinez, Jose R Dispatcher; Howe, Richard Detective Sergeant; Bourque, Mark Sergeant; Nasworthy, Bryan Sergeant; Wagner, Shaun M Sergeant; Woods, Shaun M. Sergeant; Chronopoulos, Charles Sergeant; Manning, John Sergeant/Prosecutor; Chronopoulos, Christopher Sergeant;
Sent: Wednesday, April 07, 2010 at 10:17:42 AM
Subject: EXPLORER

Cruiser #10 the Ford Explorer is going to be assigned to Sgt. Bourque for Swat Team Response. The police decals will be taken off and passenger plates put on to make it an unmarked cruiser. Sgt. Bourque will store his swat gear and weapons in a locked container in the vehicle which will allow rapid response to call outs in our community as well as other NEMLEC communities.

It will be made available for special events and for snow emergencies.

Dep

ADAMSON INDUSTRIES CORP.

45 Research Drive
HAVERHILL, MASSACHUSETTS 01832

INVOICE Page 1

(978) 681-0370 (800) 232-0162
FAX (978) 975-7168
FIN: 04-3194481

INVOICE No.	INVOICE DATE
96018	Jul 1, 2010

SOLD TO
TYNGSBORO POLICE DEPT
20 WESTFORD RD
TYNGSBORO, MA 01570

SHIP TO
TYNGSBORO POLICE DEPT
20 WESTFORD RD
ATTN: CHIEF MULLIGAN
TYNGSBORO, MA 01570

POCHASE ORDER #	DATE ORDERED	DATE SHIPPED	SHIP VIA	F.O.B.
		7/1/10	5660	

LES PERSON	TERMS	PAYMENT DUE	NOTES
MARC	Net 30 Days	7/31/10	CUST ID TYN MA PD

M	ORDERED	SHIPPED	DESCRIPTION	PRICE	AMOUNT
		1.00	2008 FORD EXPLORER		
CR 36-010	1.00	1.00	SMALL SUV BOX W/KEY LOCK	700.00	700.00
	1.00	1.00	LONG DIVIDER	100.00	100.00
	1.00	1.00	FRIEHT	102.00	102.00
	1.00	1.00	INSTALL	80.00	80.00
		1.00	MARK BOURQUE CLOTHING ALLOWANCE		

MESSAGE
RETURNED ORDERS MAY BE SUBJECT TO
RESTOCKING FEES. Claims against
this invoice for price or quantity
must be filed in writing within 10
days of invoice date.

SUBTOTAL	1,000.00
SALES TAX	
SHIPPING	
TOTAL	1,000.00

Check No:

2010 NOV 18 10 09 30
TYNGSBOROUGH SCHOOL DISTRICT

SCHOOL COMMITTEE MEETING

EXECUTIVE SESSION

OCTOBER 19, 2010

7:50 p.m.

John Hickey made a motion, seconded by Herb Desrosiers, to go into Executive Session for the purpose of discussing personnel issues, discussion of which in an open session will have a detrimental effect to the School Committee's strategic or negotiation position, and come out only to adjourn the open meeting.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. Buchman	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea	-Mr. Hunt	-Yea

The Committee discussed a personnel issue.

On a motion made by John Hickey, seconded by Burt Buchman, it was voted to adjourn the Executive Session at 8:26 p.m. and come out only to adjourn the open meeting.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. Buchman	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea	-Mr. Hunt	-Yea

APPROVED: November 17, 2010

TYNGSBOROUGH SCHOOL COMMITTEE MEETING
(Tyngsborough Town Hall Community Room)

October 19, 2010

The meeting was called to order by Chair Wennerstrom at 7:00 p.m. Those present were Burt Buchman, Herb Desrosiers, John Hickey, Collin Manzo and Jeff Hunt.

Chair Wennerstrom announced that this meeting is being audio and video recorded.

Also present were Superintendent Ciampa, Business Administrator Joe Messina and Student Representative Katelyn O'Connor.

School Committee members, Superintendent Ciampa, Business Administrator Joe Messina, Student Representative Katelyn O'Connor and Administrative Assistant Sue Harvey introduced themselves.

Chair Wennerstrom called for the approval of the Minutes.

Burt Buchman made a motion, seconded by John Hickey to approve the Minutes of October 5, 2010.

VOTE: 5, Yea 0, Nay 1, Abstain (Mr. Hunt)

Herb Desrosiers made a motion, seconded by John Hickey, to approve the Executive Session Minutes of October 5, 2010.

VOTE: 5, Yea 0, Nay 1, Abstain (Mr. Hunt)

No approval on the October 5, 2010 Policy Subcommittee Minutes of October 5, 2010 because of no quorum.

Superintendent Ciampa acknowledged the letter to him from the Seniors of Brinley Terrace Housing expressing their appreciation to Lindsay Albert, Rachel Collins and her mom, Taylor Vigeault, and Matt Durkin (students-Four Friends) for their assistance during their yard sale on September 11th.

1. Call to Order

2. Approve the Minutes of October 5, 2010, the Executive Session of October 5, 2010 and Policy Subcommittee Minutes of October 5, 2010

3. Correspondence
A. Letter from the Seniors of Brinley Terrace Housing

Superintendent Ciampa acknowledged the October 12, 2010 letter from Music Director Matt Eaton, requesting Permission for the Performing Arts Department to hold a music fundraiser at Carrabba's Italian Grill on Wednesday, December 8, 2010.

B. Letter from Music Director, Matt Eaton
Re: Fundraiser

Not on the Agenda: Estimate for Repairs
Superintendent Ciampa acknowledged the estimate from Watermark for repairs at Tyngsborough Elementary School (\$7,150). He noted that the oil tank and reservoir are taking on water and the cause of the leak is where the pipes enter. He noted that they would like to do the repairs during non-school hours.

Not on the Agenda:
Repairs- TES Oil Tank
Estimate - \$7,150.

Jeff Hunt made a motion, seconded by Burt Buchman, to approve the \$7,150 for repair of the oil tank.

Chair Wennerstrom noted that this money will come from the remediation funds. She also asked about overtime for the custodial staff during non-school hours.

Discussion was held on the overtime and it was noted that they will keep track of money spent for overtime, because it may come out of remediation funds.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

None at this time.

4. Visitors' Comments
and Questions

Katelyn O'Connor acknowledged the October 2010 "Students of the Month":

5. Share the Success

- Nicholas Picca
- Andrea Byrne
- Brittany Gauthier
- Veronica Ton

She also read the names of the recipients of the John and Abigail Adams Scholarship:

- Amy Baillargeon
- Alverina Berube
- Zachary Bouchard
- Nichole Brickett
- Rita Bulman

- Andrea Byrne
- Danielle Cyr
- Catarina DeRienzo
- Melissa Dery
- Joshua DiIorio
- Benjamin Durand
- Rachel Field
- Brittany Gauthier
- Willow Gertz
- Brian Joy
- Malcolm Joy
- Lea Kablik
- Jason Keohane
- Dillon Landino
- Renee Laurencelle
- Erika McCormick
- Jeffrey Miller
- Katelyn O'Connor
- Nicholas Picca
- Autumn Rabasco
- Nicholas Sargent
- Peter Schade
- Andrew Sinuon
- Nicholas Sypteras
- Spencer Yates

The students were congratulated.

Jeff Hunt congratulated the sports teams and all those who supported them this past weekend.

Herb Desrosiers noted that the Policy Committee met on October 5, 2010 to adjust the parking fees. He noted that they need to adjust some language on Policy #3.6/#5.18 Staff, Student and Visitor Parking.

Chair Wennerstrom would like to send this policy back to the Policy Committee to work with Joe on the numbers and try to reach some type of understanding so that when they move forward, they all know what the potential loss of income will be and also to clean up some of the language.

None at this time.

6. Policy

A. First Reading

Policy #3.6/#5.18
Staff, Student and
Visitor Parking

7. Personnel

Burt Buchman noted that the Strategic Financial Planning Committee met last Thursday with the Town Administrator. He and the Superintendent raised the issue of new housing coming online and what it means to the school district's budget. They were both shocked when Selectman Lemoine said that hundreds of units are coming online. They brought up that they would need at least one bus and if any child has learning difficulties, there will be additional expenses. Units are coming online in January for occupancy. Selectman Lemoine talked about the housing study that NMCOG was doing. He reminded him that it began 3+ years ago when he chaired the School Committee and they still have no numbers for school age population. He and the Superintendent are extremely concerned about their 3 year budget projections as they do not account for any new housing numbers. He also noted that a subcommittee is forming to look at benefits.

8. Standing Committee Reports
A. Strategic Financial Planning Committee

Discussion was held.

Joe Messina noted that the Committee may want to include their monthly enrollment figures in the Minutes.

Herb Desrosiers noted that there is nothing new to report. They are looking to meet 11/18/10 or 11/19/10.

B. Policy Committee

John Hickey noted that they met last Tuesday. There were no specific items to discuss, but they did some housekeeping. Dee Bus gave a quick update on the routes. Next meeting TBD.

C. Transportation Advisory

Burt Buchman noted that there is nothing new to report.

D. Negotiations Committee

John Hickey noted that they haven't met since the last meeting.

E. Athletic Committee

Burt Buchman noted that there is nothing new to report.

F. Technology Committee

Jeff Hunt noted that the TECC Building Committee held their first meeting about four (4) weeks ago. He noted that the Superintendent gave a brief history of TECC. They held good open discussion on potential usages. They are questioning if they were to look at outside usage, what the effect would be on the grant money that has been issued for the roof repair.

G. TECC Building Study

They are still receiving feedback. Another question is if the town wanted to use the space, what the cost would be and if it make sense for them to open up that space. One item they were in agreement with is the storage of town records. The town is currently using the Winslow School for their storage. George Trearchis has identified some classroom space for storage of the records. He noted that since that meeting they have learned a lot of information as previously discussed by Mr. Buchman. He feels that they should have one more meeting. With the news of housing units coming, they may have to use the space for school use only.

Chair Wennerstrom noted that they need an official vote on the Warrant Article - Leasing of Truck.

9. Unfinished Business
A. Warrant Article Draft
Leasing of Truck

Burt Buchman made a motion, seconded by Herb Desrosiers, to place a Warrant Article to transfer funds, and/or borrow the sum of \$9,505.64 for the purpose of making the initial lease payment (1st of three annual payments) for one new 2010 Chevrolet Silverado HD2500 pickup truck for the upkeep of school grounds to be expended by School Committee or take any other action relative thereto.

Superintendent Ciampa noted that they have been without a school truck since the summer. The truck will not pass inspection. Winter is coming and a large percentage of school plowing is done by them.

Chair Wennerstrom noted that George Trearchis has been using his own vehicle.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

Superintendent Ciampa noted that he put this on the agenda because they had talked about engineering costs to get some financial numbers. The estimate from Hamwey Engineering was \$2,550. They can't move forward until they get those numbers. They had seven (7) options on the table and they chose three (3). Mr. Trearchis spoke with Mr. Hamwey today and the cost is \$2,550 plus \$50 for each additional option. He noted that the subcommittee agreed that this is a town issue not a school issue. They

B. Additional Warrant Articles

are directing them to go forward so they're looking to get those funds back now or in the spring or they can turn the bill over to the town.

Jeff Hunt suggested having a conversation with the Town Administrator and Board of Selectmen Chair and find out if it should be brought to town floor as a Warrant Article. He doesn't feel that this should come from the remediation funds. They have already spent \$10,000 from those funds.

Superintendent Ciampa noted that he will speak with the Town Administrator and Board of Selectmen Chair.

Discussion was held on the next School Committee meeting (11/17/10).

Superintendent Ciampa noted that he will check on the location.

Bill Schedules were signed.

Chair Wennerstrom acknowledged the September 2010 Financial Package.

Jeff Hunt made a motion, seconded by Burt Buchman, to include the Membership Comparison sheet in the Minutes.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

None at this time.

Jeff Hunt congratulated the students/staff on a successful Homecoming. He also noted that things are going well with all the new staff members.

Collin Manzo noted that this Thursday is Rocktober. He noted that the 8th grade football team is playing Nashua and he has been asked to broadcast the game.

Chair Wennerstrom noted that Katelyn O'Connor was on the Homecoming court. She congratulated her on that honor.

11. Finance

A. Signing of Bills

B. September 2010 Financial Package

12. Visitors' Comments and Questions

13. School Committee Discussion

Katelyn O'Connor noted that the Homecoming events were successful. She noted that Ms. Marchese is putting on the play "Little Shop of Horrors" 10/30/10 and 11/6/10.

John Hickey wished everyone a safe and happy Halloween.

Herb Desrosiers reminded everyone to be aware of the students on the Norris Road crosswalks and campus. There has been some issues of speeding.

Burt Buchman congratulated the October "Students of the Month" and Homecoming teams. He talked about the Report of the Resolutions Committee and read the following resolutions that will be discussed and voted on at the MASC/MASS conference:

1. Resolution 1 - Special Education Circuit Breaker Extension
2. Resolution 2 - Charter School Authorization
3. Resolution 3 - MCAS Scores and 766 Approved Schools
4. Resolution 4 - Charter School Funding Formula
5. Resolution 5 - District Consolidation, Restructuring, & Expanded Regionalization
6. Resolution 6 - Mid-Year Retirements
7. Resolution 7 - Mid-Year Budget Cuts

He wished everyone a happy Halloween.

Superintendent Ciampa congratulated Mr. Flanagan and his staff for a successful Homecoming. It was a very enthusiastic experience for all of the students. He noted that it is Rocktober and it was fun to walk into the Middle School and see the 6th graders dancing to 60's music, 7th graders dancing to 70's music, and 8th graders dancing to 80's music. He congratulated the staff and students.

Chair Wennerstrom noted that Homecoming was a great time for her family. They were in and out of the schools on Saturday. Her husband and son ran the road race and she congratulated Mr. Ciampa for running the race. She acknowledged the Education Foundation for Tyngsborough and noted that they raised a considerable amount of money. She noted that they appreciate all the work they do.

7:50 p.m.

John Hickey made a motion, seconded by Collin Manzo, 14. Executive Session to go into Executive Session for the purpose of discussing personnel issues, discussion of which in an open session will

have a detrimental effect to the School Committee's strategic or negotiation position, and come out only to adjourn the open meeting.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

-Chair Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. Buchman	-Yea	-Mr. Hunt	-Yea
-Mr. Desrosiers	-Yea	-Mr. Manzo	-Yea

8:26 p.m.

John Hickey made a motion, seconded by Burt Buchman, 15. Adjournment to adjourn the open meeting.

VOTE: UNANIMOUS 6, Yea 0, Nay 0, Abstain

Respectfully submitted,

Herb Desrosiers, Secretary

APPROVED: November 17, 2010

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street
Suite 500
Lowell, MA 01852-2686
978.458.4583
Tel: 978.458.4583
Fax: 978.937.0950

2010 NOV 18 PM 1:45
CLERK OF THE TOWN
TYNGSBOROUGH, MA.

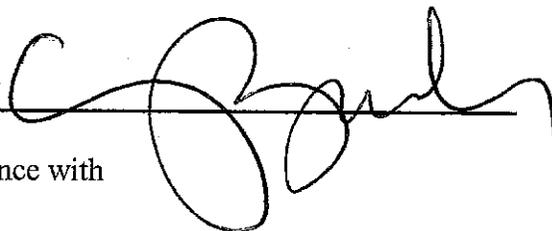
November 17, 2010

Board of Selectmen
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

Date of Services: October 2010

In Reference To: Monthly Report

Legal Services



10/4/10 Telephone Conference with
M. Gilleberto
- Litigation, Etc.
Town Administrator

Conference with M. Gilleberto
& A. O'Neill
Prepare for Hearing
Telephone Conference
with M. Gilleberto
Attend Hearing
- Smokey Bones
Alcoholic Beverages Violation
Board of Selectmen

Telephone Conference with
W. Allgrove
- Historical Commission
Historical Society

10/5/10 Telephone Conference with
Atty. K. Eriksen
- SBA Towers II, Inc.
180 Sherburne Avenue
Cell Tower Special Permit
Planning Board

Telephone Conference with
M. Gilleberto
- Club Fleur De Lis
Cedar Street Obstruction
- Etc.
Town Administrator

10/6/10 Telephone Conference with
D. McPartlan
- Decisions
Board of Appeals

Telephone Conference with
P. Berman
- SBA Towers II, Inc.
180 Sherburne Avenue
Cell Tower Special Permit
Planning Board

Telephone Conference with
M. Gilleberto
- Maple Ridge Real Estate
Development Corp.
Comprehensive Permit
Maple Ridge (9-30-2002)
Board of Appeals

10/7/10 Telephone Conference with
Atty. M. Donahue
- Pacheco, Brad M. v.
Conservation Commission
Superior Court MICV2003-01645
Conservation Commission

10/12/10 E-Mail to R. Burrows
- TD Equipment Finance, Inc.
Dodge Charger
Lease/Purchase Agreement
Police Department

10/12/10 Telephone Conference with
D. McPartlan
- Lantry, Thomas
v. Town of Tyngsborough ZBA
Superior Court MICV2006-02491-L
Board of Appeals

Review Special Permit
& Documents
Draft Letter
- Tyngsboro Sports Center
State Special License
Boxing Commission
Board of Selectmen

Telephone Conference with
M. Gilleberto
- Miscellaneous Items
Town Administrator

Review Motion
- Vaillancourt, David v.
DeCarteret, et al.
Planning Board
& Gray Wolf Realty, LLC
Superior Court MICV2008-00317-L
Planning Board

10/13/10 Research & Draft Opinion
- Tyngsboro Sports Center
State Special License
Boxing Commission
Board of Selectmen

Telephone Conference with
Michael Gilleberto
- Club Fleur De Lis
Cedar Street Obstruction
Town Administrator

Telephone Conference with
Atty. K. Eriksen

- SBA Towers II, Inc.
180 Sherburne Avenue
Cell Tower Special Permit
Planning Board

10/14/10 Two E-mails to T. Gay
Redraft Decision
- Smokey Bones
Alcoholic Beverages Violation
Board of Selectmen

Redraft Notice
- Club Fleur De Lis
Cedar Street Obstruction
Board of Selectmen

Telephone Conference with
D. Maxson
Travel to Post Office
- SBA Towers II, Inc.
180 Sherburne Avenue
Cell Tower Special Permit
Planning Board

10/15/10 Two Telephone Conferences with
& Two Faxes to M. Gilleberto
- Club Fleur De Lis
Cedar Street Obstruction
Board of Selectmen

Revise Decision
E-mail to M. Gilleberto
- Smokey Bones
Alcoholic Beverages Violation
Board of Selectmen

10/18/10 Review Minutes
- Tyngsboro Sports Center
State Special License
Boxing Commission
Board of Selectmen

Review Documents
E-mail to R. Burrows
- Police Cruisers
Police Department

10/19/10 Conference with M. Gilleberto
& D. Crowell
- Tyngsboro Sports Center
State Special License
Boxing Commission
Board of Selectmen

10/20/10 Review Complaint
Draft Answer & Letter to Court
Telephone Conference with
Zoning Board of Appeals
Fax to & Telephone Conference
with Town Clerk
- Toner, David M.
& Kathleen
Zoning By-Law
& State Building Code Violation
241 Sherburne Avenue
Board of Appeals

Telephone Conference with
M. Gilleberto
- Tyngsboro Sports Center
State Special License
Boxing Commission
- School Department
- Truck Lease/Purchase
Board of Appeals

10/25/10 Three Telephone Conferences with
M. Gilleberto
Telephone Conference with
T. Gay
Draft Motion
Attend Hearing
- Club Fleur De Lis
Cedar Street Obstruction
Town Administrator

Review Documents
Telephone Conference with
& Fax to D. McPartlan

- Dracut Food Services Corp.
d/b/a Thirsty's
Public Records
Building Department

10/25/10 Telephone Conference with
P. Berman
- Cell Tower
Planning Board

Telephone Conference with
T. Gay
- CORI
Board of Selectmen

Telephone Conference with
Attorney General
Telephone Conference with
Atty. Garry
- Shyjan, Michael & Joan
v. Tinnirella, Ann
v. Massachusetts Department of
Environmental Protection,
& the Town of Tyngsborough
& Conservation Commission
Judicial Review
Superior Court MICV2005-01670
Conservation Commission

10/26/10 Research & Draft Opinion
- Tyngsboro Sports Center
State Special License
Boxing Commission
Board of Selectmen

Telephone Conference with
Attorney General
Appear in Superior Court
- Shyjan, Michael & Joan
v. Tinnirella, Ann
v. Massachusetts Department of
Environmental Protection,
& the Town of Tyngsborough

& Conservation Commission
Judicial Review
Superior Court MICV2005-01670
Conservation Commission

10/26/10 Two Telephone Conferences with
D. Mullen of TD Equipment
Finance, Inc.
Research & Redraft Opinion
E-mail to Burrows
- TD Equipment Finance, Inc.
Dodge Charger
Lease Purchase Agreement
- TD Equipment Finance, Inc.
Dodge Charger
Lease Purchase Agreement
Police Department

Telephone Conference with
K. Oun
Review Documents
- Stonchedge Inn Pool and Spa
Health Violations
Board of Health

Letter to Town Treasurer
- Tiffany Equipment
& Construction Co.
Police Details
Police Department

Telephone Conference with
M. Gilleberto
- Massachusetts Department
Transportation
Town Administrator

10/27/10 Research
- Entertainment License Fees
Board of Selectmen

Review Files
Prepare for Hearing
Draft Letter to Court
Review Opposition Brief
- Shyjan, Michael & Joan

v. Tinnirella, Ann
v. Massachusetts Department of
Environmental Protection,
& the Town of Tyngsborough
& Conservation Commission
Judicial Review
Superior Court MICV2005-01670
Conservation Commission

10/27/10 Conference with M. Gilleberto
- Miscellaneous Matters
Town Administrator

Telephone Conference with
M. Gilleberto
- Special Town Meeting
Warrant Article
Town Administrator

Redraft Opinion
Research
- Tyngsboro Sports Center
State Special License
Boxing Commission
Board of Selectmen

10/28/10 Review Haring Minutes
Telephone Conference with
P. Berman
- SBA Towers II, Inc.
180 Sherburne Avenue
Cell Tower Special Permit
Planning Board

Research Code of Massachusertts
& Case Law
- Stonehedge Inn Pool and Spa
Health Violations
Board of Health

Review Draft
Fax to T. Gay
Research
Telephone Conference wit

& Fax to M. Gilleberto
- Special Town Meeting
Warrant Articles
Board of Selectmen

10/28/10 Telephone Conference with
R. Burrows & D. Mullen
Conference with R. Howe
- TD Equipment Finance, Inc.
Dodge Charger
Lease Purchase Agreement
Police Department

10/29/10 Telephone Conference with
T. Gay
Research
Draft Workers Compensation
& Expedite Permit
Warrant Articles
Telephone Conference with
M. Gilleberto
Telephone Conference with
NMCOG
E-mail to M. Gilleberto
- Special Town Meeting
Warrant Articles
Board of Selectmen

Review Documents
Research
E-mail to M. Gilleberto
- Tyngsboro Sports Center
State Special License
Promoters
Town Administrator

ADDITIONAL INFORMATION

DATE (MM/DD/YYYY)
11/09/2010

PRODUCER Marsh USA Inc. 1560 Sawgrass Corporate Pkwy, Suite 300 Sunrise, FL 33323	COMPANIES AFFORDING COVERAGE	
	COMPANY	
	COMPANY	
INSURED BARBEQUE HOLDING, LLC 8529 SOUTH PARK CIRCLE SUITE #410 ORLANDO, FL 32819	COMPANY	
	COMPANY	

TEXT

*** SUBLIMITS CONTINUED ***

LIMITS:

EARTHQUAKE EXCEPT;	\$25,000,000
EARTHQUAKE IN CALIFORNIA - (#)	\$25,000,000
EARTHQUAKE IN NEW MADRID EARTHQUAKE ZONE COUNTIES - (#)	\$25,000,000
EARTHQUAKE IN PACIFIC NORTHWEST EARTHQUAKE ZONE COUNTIES - (#)	\$25,000,000
EARTHQUAKE IN PUERTO RICO - (#)	\$1,000,000
(#) - SHALL NOT EXCEED \$25,000,000	

FLOOD EXCEPT;	\$25,000,000
FLOOD OCCURRING WHOLLY OR PARTIALLY WITHIN SPECIAL FLOOD HAZARD AREAS (SFHA), AREAS OF 100-YEAR FLOODING, AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - (#)	\$10,000,000
FLOOD IN PUERTO RICO PER OCCURRENCE AND ANNUAL AGGREGATE	\$1,000,000
(#) - SHALL NOT EXCEED \$25,000,000	

WIND & HAIL AS A RESULT OF A NAMED STORM (A STORM THAT HAS BEEN DECLARED AND NAMED BY THE NATIONAL WEATHER SERVICE TO BE A HURRICANE, TYPHOON, TROPICAL CLYCLONE OR TROPICAL STORM) IN TIER 1 COUNTIES. \$25,000,000

DUCTIBLES****

PROPERTY DAMAGE: \$50,000
TIME ELEMENT - 24 HOURS

EARTHQUAKE:

- \$50,000 PER OCCURRENCE, EXCEPT AS FOLLOWS:
- 5% OF TOTAL INSURABLE VALUES AT THE TIME OF THE LOSS AT EACH LOCATION INVOLVED IN THE LOSS OR DAMAGE, SUBJECT TO A MINIMUM OF \$100,000 ANY ONE OCCURRENCE, AS RESEPECTS LOCATIONS IN CALIFORNIA AND/OR PUERTO RICO;
- 2% OF TOTAL INSURABLE VALUES AT THE TIME OF THE LOSS AT EACH LOCATION INVOLVED IN THE LOSS OR DAMAGE, SUBJECT TO A MINIMUM OF \$100,000 ANY ONE OCCURRENCE, AS RESEPECTS LOCATIONS IN THE NEW MADRID EARTHQUAKE ZONE COUNTIES;
- 2% OF TOTAL INSURABLE VALUES AT THE TIME OF THE LOSS AT EACH LOCATION INVOLVED IN THE LOSS OR DAMAGE, SUBJECT TO A MINIMUM OF \$100,000 ANY ONE OCCURRENCE, AS RESEPECTS LOCATIONS IN THE PACIFIC NORTHWEST EARTHQUAKE ZONE COUNTIES;

FLOOD:

- \$50,000 PER OCCURRENCE, EXCEPT AS FOLLOWS:
- 5% OF THE TOTAL INSURABLE VALUES AT THE TIME OF THE LOSS AT EACH LOCATION INVOLVED IN LOSS OR DAMAGE, SUBJECT TO A MINIMUM OF \$1,000,000 ANY ONE OCCURRENCE, AS RESPECTS LOCATIONS WHOLLY OR PARTIALLY WITHIN SPECIAL FLOOD HAZARD AREAS (SFHA), AREAS OF 100-YEAR FLOODING, AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA);

CERTIFICATE HOLDER	
TOWN OF TYNGSBOROUGH 25 BRYANTS LANE TYNGSBOROUGH, MA 01879	
	AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Shari L. Frank <i>Shari L. Frank</i>

ADDITIONAL INFORMATION

DATE (MM/DD/YYYY)
11/09/2010

PRODUCER

Marsh USA Inc.
1560 Sawgrass Corporate Pkwy, Suite 300
Sunrise, FL 33323



COMPANIES AFFORDING COVERAGE

COMPANY

COMPANY

INSURED

BARBEQUE HOLDING, LLC
8529 SOUTH PARK CIRCLE
SUITE #410
ORLANDO, FL 32819

COMPANY

COMPANY

TEXT

3) 5% OF TOTAL INSURABLE VALUES AT THE TIME OF THE LOSS AT EACH LOCATION INVOLVED IN THE LOSS OR DAMAGE, SUBJECT TO A MINIMUM OF \$100,000 ANY ONE OCCURRENCE, AS RESPECTS NAMED STORMS WORLD RECOGNIZED METEROLOGICAL AUTHORITY TO BE A HURRICANE, TYPHOON, TROPICAL CYCLONE, TROPICAL STORM OR TROPICAL DEPRESSION);

IN THE EVENT THAT THE INSURED MAINTAINS UNDERLYING INSURANCE THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM, IT IS AGREED THAT THIS POLICY EXCLUDES THE PERIL OF FLOOD TO THE EXTENT OF RECOVERY UNDER SUCH NATIONAL FLOOD INSURANCE POLICY(S). SHOULD THE AMOUNT OF LOSS PAYABLE UNDER SUCH NATIONAL FLOOD INSURANCE POLICY(S) EXCEED THE APPLICABLE FLOOD DEDUCTIBLE UNDER THIS POLICY, THEN NO DEDUCTIBLE SHALL APPLY HEREUNDER. HOWEVER, IF THE AMOUNT TO BE PAID UNDER SUCH NATIONAL FLOOD INSURANCE POLICY(S) IS LESS THAN THE APPLICABLE FLOOD DEDUCTIBLE UNDER THIS POLICY, THEN THE AMOUNT TO BE DEDUCTED HEREUNDER SHALL NOT EXCEED THE DIFFERENCE BETWEEN THE AMOUNT TO BE PAID UNDER THE INSURED'S NATIONAL FLOOD INSURANCE POLICY(S) AND THE APPLICABLE FLOOD DEDUCTIBLE UNDER THIS POLICY. INSURANCE MAINTAINED THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM SHALL BE CONSIDERED UNDERLYING INSURANCE.

WINDSTORM & HAIL:

1) \$25,000 PER OCCURRENCE, EXCEPT AS FOLLOWS:

2) 3% OF TOTAL INSURABLE VALUES AT THE TIME OF THE LOSS AT EACH LOCATION INVOLVED IN THE LOSS OR DAMAGE, SUBJECT TO A MINIMUM OF \$250,000 ANY ONE OCCURRENCE, AS RESPECTS NAMED STORMS (A STORM THAT HAS BEEN DECLARED BY THE NATIONAL WEATHER SERVICE TO BE A HURRICANE, TYPHOON, TROPICAL CYCLONE OR TROPICAL STORM) IN TIER 1 COUNTIES (AS DEFINED IN THE TIER 1 COUNTIES IN THE STATES OF GEORGIA, NORTH CAROLINA, SOUTH CAROLINA AND VIRGINIA.

3) 3% OF TOTAL INSURABLE VALUES AT THE TIME OF THE LOSS AT EACH LOCATION INVOLVED IN THE LOSS OR DAMAGE, SUBJECT TO A MINIMUM OF \$250,000 ANY ONE OCCURRENCE, AS RESPECTS NAMED STORMS (A STORM THAT HAS BEEN DECLARED BY THE NATIONAL WEATHER SERVICE TO BE A HURRICANE, TYPHOON, TROPICAL CYCLONE OR TROPICAL STORM) IN TIER 1 COUNTIES (AS DEFINED IN THE TIER 1 COUNTIES IN THE STATES OF ALABAMA, FLORIDA, HAWAII, LOUISIANA, MISSISSIPPI AND TEXAS;

IF TWO OR MORE DEDUCTIBLE AMOUNTS IN THIS POLICY APPLY TO A SINGLE OCCURRENCE, THE TOTAL TO BE DEDUCTED SHALL NOT EXCEED THE LARGEST DEDUCTIBLE APPLICABLE.

CERTIFICATE HOLDER

TOWN OF TYNGSBOROUGH
25 BRYANTS LANE
TYNGSBOROUGH, MA 01879

AUTHORIZED REPRESENTATIVE

of Marsh USA Inc.
Shari L. Frank



Northern Middlesex Council of Governments

NOTICE OF MEETING

The next meeting of the Northern Middlesex Council of Governments will be held on **Wednesday, November 17, 2010** at the Council office, 40 Church Street, Suite 200, Lowell, MA 01852. The meeting will begin promptly at **7:00 p.m.**

A Multi-Disciplinary

Regional Planning

Agency Serving:

AGENDA

BillERICA
ChELMSFORD
DRACUT
DUNSTABLE
LOWELL
PEPPERELL
TEPPERARY
TYNGSBOROUGH
WESTFORD

I. MINUTES OF MEETING: October 28, 2010

II. EXECUTIVE DIRECTOR'S REPORT

III. FINANCIAL REPORT AND WARRANT

IV. OLD BUSINESS

1. FY 2011 Transportation Improvement Program Amendment
2. Update on the 9-1-1 Regional Emergency Communications Center Feasibility Study Contract
3. Update on the Regional Strategic Plan
4. Other Old Business

V. NEW BUSINESS

1. Community Reports
2. Project Referrals
3. Reorganization of Council Subcommittees
4. Holiday Office Schedule
5. Executive Session – Approval of the Executive Session Minutes of August 18, 2010 and follow-up discussion of the July 12, 2010 Personnel Committee memo
6. Other New Business

VI. ANNOUNCEMENTS

VII. ADJOURNMENT

Stephen C. Themelis
Chair

Beverly A. Woods
Executive Director

10 Church Street
Suite 200
Lowell, MA
01852-2686

TEL: (978) 454-8021

FAX: (978) 454-8023

www.nmcog.org

City/Town Clerks: PLEASE POST PURSUANT TO OPEN MEETING LAW

Councillors: PLEASE CALL IF YOU ARE UNABLE TO ATTEND



Town of Tyngsborough

Planning Board

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300, ext. 115
Fax: (978) 649-2301

2010 NOV 18 2:12:02
TOWN OF TYNGSBOROUGH, MA.

AGENDA

November 18, 2010
Community Room
7:00pm

Open Meeting

1. Abbreviated Special Permit Application for Site Plan Review for parking area at a Retail Development on Frost Road Tyngsborough / River Road Hudson, NH – Chris Rice, TF Moran
2. Special Permit Application – 77 Middlesex Road Belley Limousine & Spartan Realty & Management, Inc.

DISCUSSION

ENGINEER REPORTS

ADMINISTRATIVE

1. Approval of Minutes: November 4, 2010
2. Sign Bills & Forms
3. New Business



TOWN OF TYNGSBOROUGH
Capital Asset Management Committee

25 Bryants Lane
Tyngsborough, MA 01879

FROM: Capital Asset Management Committee *CM*

TO: Board of Selectmen

DATE: November 9, 2010

RE: Unforeseen capital purchase

The Capital Asset Management Committee met on Tuesday, November 9, 2010, to approve the use of \$26,515 to purchase a pickup truck for school maintenance and plowing.

This was an unforeseen need that became apparent after this past Annual Town Meeting. The Committee approved the use of unexpended debt service dollars to cover the purchase.

The Committee will continue its work in preparing five-year plan for the May 2011 Annual Town Meeting.

cc: Finance Committee

November 11, 2010

Michael P. Gilleberto
Tyngsboro Town Administrator
25 Bryants Lane
Tyngsboro, MA. 01879

2010 NOV 15 AM 10:55

2010 NOV 15 AM 10:55
TYNGSBOROUGH, MA.

Re: Woodman Woods Affordable Housing Lottery

Dear Mr. Gilleberto:

You are cordially invited to attend the Whitman Woods Affordable Housing Lottery being held on Monday, November 15, 2010, at the Mercier Center, 21 Salem Street, Lowell, MA.

The lottery will begin at 2:00pm. The directions are attached for your convenience. We look forward to your presence at this event! Please call if you have any questions. Thank you.

Sincerely,

Leasing Staff

Whitman Woods



Whitman Woods

Yes, I'd Love to Attend!

Name of Business: _____
Number Attending: _____
Name of Attendee(s): _____

Payment Method: Check Enclosed Please Invoice
 VISA MasterCard American Express

Name of Cardholder: _____

Account Number _____ Exp. Date _____

Address of Cardholder: _____

**Please note, no payment will be accepted at the door.*

Your response is appreciated on or before November 30, 2010
Kindly forward your response to the Greater Lowell Chamber of Commerce
By fax at (978) 452-4145, telephone reservation at (978) 459-8154 or
Mail your response to the Greater Lowell Chamber of Commerce,
131 Merrimack Street
Lowell, MA 01852

The Board of Directors of the Greater Lowell Chamber of Commerce

*Cordially invites you to attend
The Sixteenth Annual Membership Breakfast*

Guest Speaker:

*AJ Gerritson, 451 Marketing
Voted 2010 "40 under 40" by the Boston Business Journal*

*2010 Community Service Award Recipient
Senator Steven C. Panagiotakos*

*Installation of 2011 Board of Directors
Chamber Review & Recognition*

Tuesday, December 7, 2010

*Breakfast at 7:30 a.m.
Lenzi's Banquet Facilities
810 Merrimack Avenue
Dracut, Massachusetts 01826*

*A donation of
a paper product(s)
is kindly requested
to benefit the
House of Hope*

Comcast Connections

Power the Dream

Third Quarter 2010 | Comcast NorthCentral Division Update | Massachusetts Edition

Comcast and Cradles to Crayons Help Massachusetts Students Head Back to School



As students across Massachusetts prepared to head back to school this fall, Comcast and Cradles to Crayons partnered once again to deliver backpacks stuffed with school supplies to more than 3,500 young people in Lawrence, Springfield and New Bedford. This effort enables less fortunate students to enjoy the school year with the same educational resources as their peers.

"The average family spends over \$500 for clothing and supplies to send their child back to school, something many families cannot afford," said Lynn Margherio, CEO of Cradles to Crayons. "We are grateful for Comcast's support, which will provide local children in need with an extra reason to enjoy this school year."

Pictured (left to right): In Springfield, Kristen Roberts, Vice President of Public Relations and Community Investment for Comcast's Western New England Region; Kathy Fagan, Cradles to Crayons Director of Community Outreach and Interim Director of Operations; Springfield Mayor Domenic Sarno; Peter Sylver, President and CEO of Martin Luther King, Jr. Family Services; and Dan Glanville, Vice President of Government Relations for Comcast's Western New England Region pose with children from the Martin Luther King, Jr. Family Services Afterschool Program.



Pictured: Jen White of Cradles to Crayons and New Bedford Mayor Scott W. Lang display the contents of one of the donated backpacks at Keith Middle School in New Bedford, where local students, school nurses, the New Bedford Police Department and Cradles to Crayons and Comcast representatives helped unload a Comcast truck full of backpacks for distribution.



Pictured: Comcast technician Ernie Lopez helps pass out backpacks at South Lawrence East Elementary School.

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Pictured: Comcast technician Ernie Lopez helps pass out backpacks at South Lawrence East Elementary School.

Mary McLaughlin Named Regional Senior Vice President for Comcast in Western Massachusetts



In August, Comcast announced that Mary McLaughlin has been named Senior Vice President for its Western New England Region, assuming responsibility for operations, performance and customer service for Comcast in Western Massachusetts, Connecticut, Vermont and the Carmel, New York area.

"Mary's energy and talents, combined with a strong commitment to our customers and a proven track record of launching advanced products and services, make her the ideal person to lead this region," said Kevin Casey, President of Comcast's NorthCentral Division.

McLaughlin's efforts extend beyond the workplace and into the community where she is a widely respected civic leader serving on the board of directors of the Massachusetts Business Roundtable, New Hampshire Business and Industry Association and the Urban League of Eastern Massachusetts. A native of Massachusetts, McLaughlin graduated from Bridgewater State College and Suffolk University Law School. Along with her husband and two children, she resides in Longmeadow.

Comcast Enhances DVR Service

Comcast recently announced the launch of new features to its Digital Video Recorder (DVR) service, including AnyRoom DVR and an upgraded on-screen program guide that will bring more choice and convenience to its XFINITY TV customers throughout the state. The additions, designed to improve the overall customer experience and make future enhancements – like interactive television – possible, are part of Comcast's recent launch of XFINITY TV, which offers customers more HD, more speed, more choice and more control over their services.

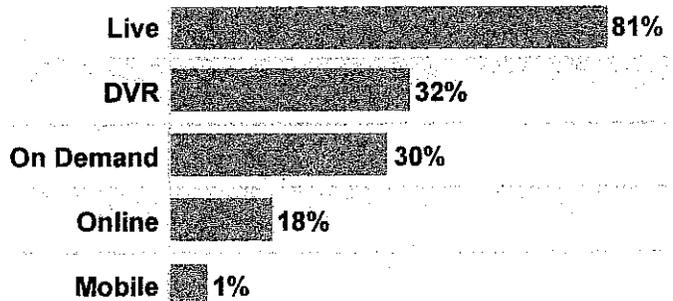
The new on-screen program guide features include:

- **Watch in HD Button:** Allows customers to quickly switch to the HD version of the program they are watching.
- **On Demand Skip Ahead/Skip Back:** Enables customers to skip ahead or skip back in five minute increments while watching On Demand programming.
- **myDVR Manager:** Helps customers to remotely schedule and adjust their recordings online.
- **DVR Search & Record:** Gives customers the ability to search for a program by actor, title, director or keyword.
- **DVR History, Cleanup and Folders:** Allows customers to manage and find their recorded programs more quickly and conveniently.

Comcast Customers Use Time-Shifting Technologies

With the fall TV season in full swing, Comcast customers are increasingly choosing to watch their favorite TV shows anytime, anywhere using time-shifting technologies such as video-on-demand, digital video recorders and the Internet. Comcast announced these findings of its second annual "TV Pulse Survey," an independent nationwide survey conducted by International Communications Research.

Comcast Customers Planned Viewing This Fall:



The top reasons consumers are using time-shifting technologies include personal schedules (79 percent) and programming conflicts (63 percent).

Class Is in with Professor T. Brady – Comcast Has the Most Live Sports

Comcast and New England Patriots Quarterback Tom Brady have teamed up to spread the word that Comcast is the home of the most live sports in HD and 3D as well as NFL RedZone, which airs every touchdown from every game and the best plays from around the NFL yard every Sunday afternoon. In the advertising campaign, "Professor" Brady encourages TV viewers to never miss another game and experience football 24/7 all year round" with Comcast.

Customers can learn more about Comcast's sports offerings at www.mostlivesports.com.



Comcast Protects Customers' Online Security with Constant Guard

As part of its commitment to providing customers with the best and safest online experience possible, Comcast recently launched Constant Guard for its XFINITY Internet customers. A multi-year effort to combat increasingly sophisticated online security threats, Constant Guard service consists of customer security assurance, education and world-class technology such as Norton Security Suite, bot notifications and Secure Backup and Share.

Customers can learn more about Constant Guard at <http://security.comcast.net/constantguard>.

Comcast Brings Customers 3G and 4G Internet On the Go

Comcast's XFINITY Internet 2go is a mobile Internet solution that provides the fastest available wireless Internet speeds in the nation via wireless data cards. Comcast recently announced the launch of a fourth-generation or 4G wireless data service in Boston in addition to its 3G service that was introduced in May. Comcast is selling this wireless service bundled with one or more of its popular Internet, phone and television products, providing mobile broadband wherever and whenever customers need to be connected.

Comcast Encourages Scholarship Nominations

Comcast is now inviting nominations for the 2011 Comcast Leaders and Achievers Scholarship Program, which awards \$1,000 college scholarships to high school seniors to recognize them for their leadership skills, academic achievement and commitment to community service. Since 2001, the program has recognized more than 13,300 students around the country and provided more than \$13.4 million in scholarship grants to help students pay for college. Local high school principals and

guidance counselors can request online nomination forms by emailing comcast@applyists.com.

Additional information on Comcast's Leaders and Achievers Scholarship Program can be found at www.comcast.com/scholarships.



October 21, 2010

David Desgroseilliers
Town of Tyngsborough
25 Bryant Ln.
Tyngsboro, MA 01879-1042

Michael Perry

TYNGSBORO, MA 01879-1042
OCT 21 2010

Dear David Desgroseilliers,

Did an unfavorable winter leave your municipality's budget in the red? Vortex Insurance Agency offers snowfall insurance to help protect against financial losses associated with excessive snow and reduce snow removal budget volatility. Our policies insure your loss when the natural snowfall during the coverage period exceeds the weather threshold defined in the policy.

The Cost of a Snow Insurance Policy

How much does it cost? Below are snow insurance rate examples using a weather station in your area as the measurement point. In these examples, the rate shown is for an insurance policy that would pay \$1,000 for each inch of natural snowfall at the defined location that exceeds the weather threshold amount (subject to actual terms of the insurance policy, signed application required).

Location	Coverage Period	Coverage Amount	Weather Threshold	Rate per \$1,000/ inch coverage
Boston AP	11/15/10 - 4/30/11	\$1,000 per inch	57"	\$7,983
Boston AP	11/15/10 - 4/30/11	\$1,000 per inch	70"	\$3,907

Insurance for other locations is available. Coverage period can be lengthened or shortened as needed. Rate examples are for \$1,000 per inch of coverage and are valid through October 31, 2010; additional coverage is available. For example, rate for \$2,000/inch coverage would be two times the rate above. Coverage limit for these rates is \$250,000; rates may vary at higher limits.

We Want to Hear From You!

We appreciate your thoughts on this product and will be contacting you in the near future to seek your feedback on this product. If you prefer, please visit www.VortexInsuranceAgency.com/MA to complete a short five question product questionnaire.

The benefits of working through Vortex Insurance Agency, LLC include:

- Policies written with an A+ rated carrier.
- Minimize unexpected costs of snow removal
- Increase budget accuracy

Our snow insurance product could help diminish the economic impact of future heavy-snow winters. To help protect against unbudgeted snow removal costs, consider a snow insurance policy from Vortex. If you would like more information about our product offerings or would like to receive a quote for coverage, please call us at (913) 253-1250, or visit our website at www.VortexInsuranceAgency.com.

Best regards,

Robert Holmes

Robert Holmes
rholmes@vortexins.com
www.VortexInsuranceAgency.com
913.253.1250
Licensed in all 50 states. CA License No: 0G46038

Insurance underwritten by Mitsui Sumitomo Insurance USA Inc., a member insurer of the Mitsui Sumitomo Insurance Group. Weather insurance product not available in all jurisdictions. Actual coverage is subject to the language of the policies as issued. Mitsui Sumitomo Insurance Group, 15 Independence Boulevard, P.O. Box 4602, Warren, New Jersey 07059-0602.

Dear town officials of Tyngsborough,

I would like to introduce the "Big Bag Flood Defense System" to your town. This system has proven to be the most cost effective and quickest flood defence system to deploy, available in the world today. This temporary flood defense barrier is more cost effective than sand bags and unlike sand bags it can be deployed to flood threatened areas in minutes without the need for a lot of man power to set up. In the attached file you can see an example where to deploy 600 Metres (1,000 feet) of the "Big Bag Flood Defense System" it took only 6 hours and 8 men to protect such a large area. The system is simple to set up without the need for specialised training and the system is designed to be removed easily without the need for large manpower. When time is of the essence nothing matches the speed and efficiency of this system.

Our company Global Flood Solutions America is locally owned and operated in Westwood, Ma. We have the sole U.S. New England distributorship for the unique, patented Big Bag Flood Defense System. This innovative flood prevention product was originally developed in Germany and has been used in Europe and Asia for over 15 years and is now manufactured here in the USA.

The Big Bag Flood Defense System can also be used for repairs to Dams/Levee and for Cofferdams used during repair work.

This product can be viewed on our website:

(www.globalfloodsolutionsamerica.com).

I would like to thank you for taking time to read this E-mail. If you are the person responsible for protecting your community against flooding I would love to talk to you and give you the opportunity to see the product first hand and arrange a free onsite demonstration. If you are not the person, can you please forward on this mail to the most appropriate person within your community?

Please do not hesitate to call me directly or email with any questions regarding the product or setting up a meeting.

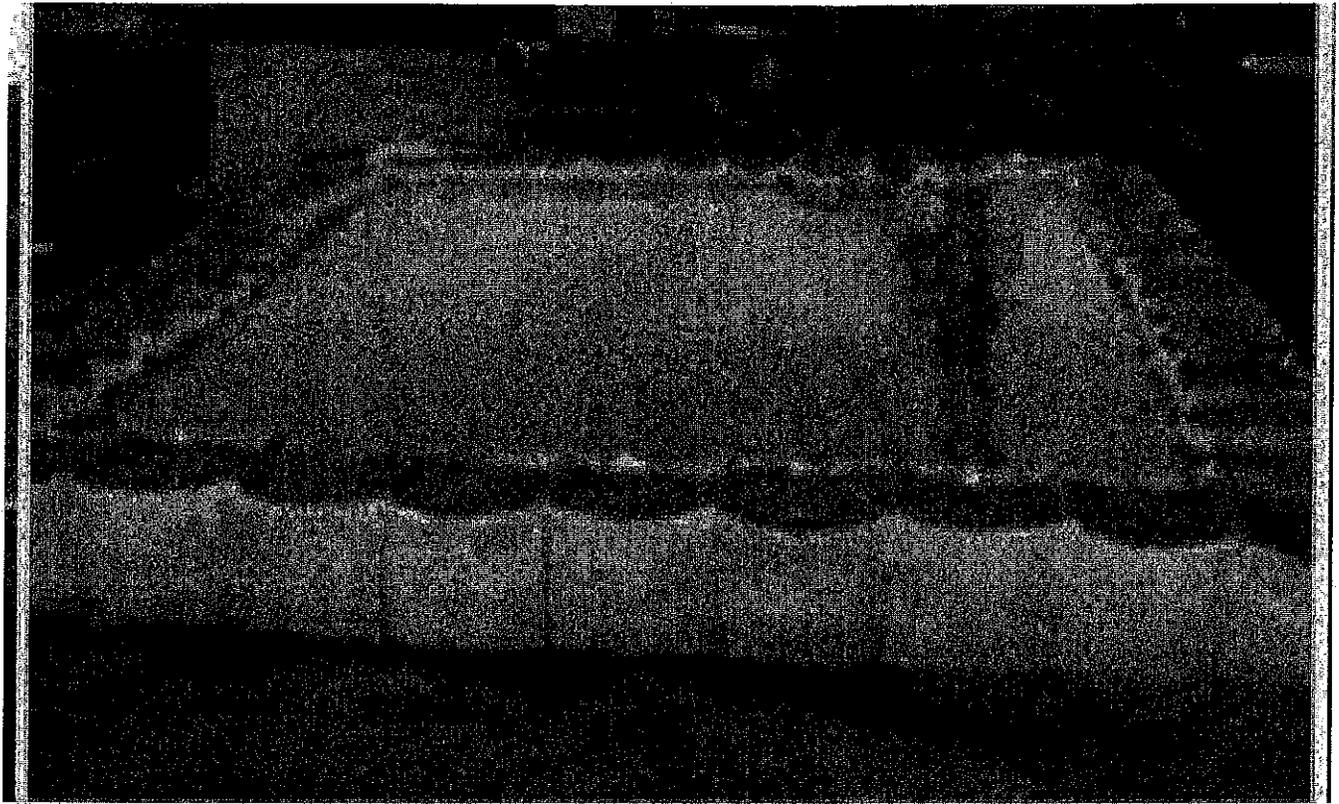
Yours Sincerely,

Frank McNamara
President

Phone: 781 535 8202
Email: info@globalfloodsolutionsamerica.com
Website: www.globalfloodsolutionsamerica.com



Big Bag Pictures.GIF
105K



Big Bag System onsite demonstration

Law Office of Maurice LaRiviere, Jr.
200 Merrimack Street, Suite 202D NOV-9 PM 1:15
Haverhill, Ma 01830
Tel 978-373-4044

Email mlariviere@massesq.com

November 8, 2010

Michael P. Gilleberto, Town Administrator
Ashley O'Neill, Selectmen's Chair
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, Ma 01879

Subject; Club Fleur De Lis and
Cedar St. Property

Post-it® Fax Note	7671	Date	11/01/10	# of pages	2
To	Charles Zarnakis Gay	From	Therese Gay		
Co./Dept.		Co.			
Phone #		Phone #	978-649-2314		
Fax #	978-937-0950	Fax #			

Notice

Dear Administrator Gilleberto and Chair O'Neill,

This Notice is made on behalf of the Club and Gail Meredith (the claimants). Should the town seize the property at the Special Town Meeting set for November 16th the Club and The Meredith family as property owners will experience substantial loss of value of their business and personal property rights.

The claimants thus state that they seek the following alternative resolves;

- (1) the process to seize the property be withdrawn or the motion to confiscate their property be denied. OR
- (2) a sum in the amount of no less than \$95,000 be awarded to the club and Gail Meredith if and when their property is seized and taken away from them. This number is offered as a peaceful resolve though in fact the damages will be substantially higher. If litigation is required the claimants will have a professional analyze and offer testimony for the loss sustained for the business and personal ownership and usage.

As stated above my clients are suffering pain and loss from the actions of the Town seeking to seize and take away from them the rights of property ownership they have at Cedar St. It is noted that the town attorney has admitted that the claimants own (1/2) of this way and that the private party claims of the other parties are in dispute. At the selectmen's meeting held October 25th the Selectmen have placed in the hands of the Town Meeting the desire and ability to take away the property ownership and yet at the same time no monies for such action were discussed even where I had asked that such

budget issues be reviewed before they proceeded. You should note though the provisions of Chapter 79 sec 6 must be addressed at the time of the seizure.

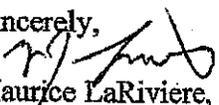
I note the parties appearing at the selectmen's meeting seeking to take away my clients property were clearly persons making claims stating they had personal rights of access and their language showed their hatred of Gail Meredith. No apparent discussion of reasons for the public interest to enter the issue was made by the neighbors that wanted the town to take on their claims. Notwithstanding the obvious that this was a private property dispute and not a public issue the Selectmen went on to the vote without any detailed information short of a Conservation Commission member stating a vote was taken in 1986 to acquire the land. The Con Comm. representative had to admit there was no record supporting either the basis for such action taken back then or a basis for taking such action now short of supporting "private parties' claims of right to usage of the road.

The law Chapter 82 "any person sustaining damage in his property by the laying out, or alteration or relocation of a town way or private way shall be entitled to recover the same under Chapter 79" is clear.

Sec. 6- "When a taking is made on behalf of a body politic or corporate other than a corporation described in section seven, the board of officers by whom the order of taking is adopted shall, at the time of the adoption thereof, award the damages sustained by every person in his property by reason of such taking."

On behalf of my client I respectfully request that the Town carefully and properly make a decision that is in the best interests of the public in general and not some abutters seeking to have the town subject to the damages that will be sought in the court.

Sincerely,


Maurice LaRivière, Jr., esq.



**Town of Tyngsborough
Planning Board**

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300, ext. 115
Fax: (978) 649-2301

2010 NOV -9 AM 9:53

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

November 9, 2010

Tyngsborough Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

RE: Response to Board of Assessors Comments

Honorable Board,

The Planning Board wishes to respond to the allegations made during the Board of Selectmen's meeting held on November 8, 2010. Representatives from the Board of Assessors reported that the Tyngsborough Planning Board is one of the reasons for their inability to properly assess properties since they are not notified in a timely manner concerning any changes that have happened to any such property.

Please be aware that the Planning Board's review procedures include the distribution of a Request for Comment form (see attached) to 12 town departments prior to the commencement of any subdivision or special permit hearing. For example, if there are back taxes due on a property or the Building Department has a comment regarding a special permit that is coming before us.

The answer to the question of who notifies the Assessor's office of any changes to a property can be found in 780 CMR 5106.5 or MGL c. 143 s61. It states that the building official shall give notice to the Assessor's office within 7 days of granting a permit.

If the Planning Board approves a subdivision or a special permit, it does not mean that the project has met all of the final approvals. Only after the building or renovation permit is issued then it shall be considered having final approval.

We request that this clarification be read into the minutes of the next Board of Selectmen's meeting. Thank you for your prompt attention to this matter.

Sincerely,

Steven Nocco
Chairman
Tyngsborough Planning Board



Town of Tyngsborough Planning Board

25 Bryants Lane

Tyngsborough, Massachusetts 01879-1003

Office: (978) 649-2300, ext. 115

Fax: (978) 649-2301

REQUEST FOR COMMENT

Applicant: _____

Project Address: _____

Map _____ Parcel _____ Lot _____

Type of Application: _____

Department: _____

The Planning Board has received the above application. The Board requests your department's review of the application and any comments. Please attach a separate sheet for additional comments if necessary.

Please return by: _____

If your Department/Board must take action prior to issuance of this permit, please indicate the action below.

Comments: _____

Prepared by: _____ (print) Date: _____

Signature: _____

Department Head: _____ (print) Date: _____

Signature: _____

Cc: ___ Assessors ___ Building Insp. ___ Board of Health
 ___ Conservation ___ Fire Dept. ___ Police Dept.
 ___ Sewer Dept. ___ Highway Dept. ___ Water Dept.
 ___ Tax Collector ___ Selectmen ___ ZBA

Attachments/



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

TO: Board of Selectmen

FROM: Michael P. Gilleberto, Town Administrator (MP)

DATE: November 19, 2010

SUBJECT: Town Administrator's Report for the weeks ending November 12 & 19, 2010

Response to Selectmen's Requests

- The agreement with NMCOG to extend the deadline for completing the affordable housing study to March 31st is in your packets.
- The new development agreement for the Westford Road project is in your packets, including comment from departments.
- The Board must either approve or set a date for a hearing for the request to amend the Entertainment License at Tyngsboro Sports Center. The 45 day period expires December 12th. Suggest December 6th be the date. Information is in your packets.
- I am in touch with the Dracut Water Supply District and we are tentatively ✓ planning for them to attend the December 6th meeting.
- Attached please find an offer letter for Paul Welcome for the position of Building ✓ Commissioner. His first day will be December 6th. Don Crowell will overlap with him for two or three days.
- Attached please find a copy of an email I've sent to our Cable Franchise ✓ Agreement counsel. It appears that the resident's concerns are a misunderstanding of the agreement language, but I am confirming that fact.

Budget Status

- A final recapitulation sheet is being assembled, reflective of the Special Town Meeting appropriations. The Board will have to sign the certification of the Tax ✓ Classification hearing at Monday night's meeting (it will not be ready until sometime during the day Monday).
- The Capital Asset Management Committee has begun the process for updating the Five Year plan. Attached please find the request for information that was sent to ✓ departments last week. The responses will be reviewed at a public meeting on December 1st at 8:30 pm, with department heads presenting at 9:00 am.

Departmental Information

- Attached please find resumes for two substitute van drivers at the Senior Center. Both have been CORI and background checked. Thank you to the LRTA for their assistance in identifying substitute drivers. ✓
- With the recent generous gift of a flat screen television to the Senior Center, we now have a surplus television. A request has gone out to departments to see if this property can be utilized elsewhere. Otherwise, we will surplus it off to the highest bidder via an advertisement on Channel 8 and the Town website. ✓
- Resumes for the Highway Clerk have been provided. Attached is a list of candidates who Jim and I would like to bring in for interview. ✓

Other

- Attached please find copies of the Memorandums of Agreement for the 4 Town collective bargaining units. I have discussed integration of each document and will be working with each union to complete integration in advance of negotiations for the period beginning July 1, 2011. Highlights are as follows: ✓
 - One year agreements
 - 0% wage increases for Fiscal Year 2011
 - Include the restoration of hours for Town Services
 - Include transfers of custodial positions to the Highway Union
 - Include restructuring of the Police Department
- I am in discussions with Town Departments regarding the impact of restored hours on work schedules and service availability. A complete report will be finalized next week. ✓
- As we begin license renewals, at the suggestion of Town Counsel we are soliciting comment from affected Town departments. Attached is our request for comment.
- We are closing out the contracted portion of the campground project. The contractor will be submitting a quote for work to stabilize the river bank per the engineer's recommendation (outside the scope of the contract). We are also evaluating other low-impact alternatives to do this work.

1 CABLE TELEVISION AGREEMENTS



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

November 9, 2010

Mr. Paul Welcome
151 West Meadow Road
Lowell, MA 01854

Dear Mr. Welcome:

This letter serves to notify you of your appointment to the position of Building Commissioner for the Town of Tyngsborough effective November 29, 2010, pending the outcome of a CORI check, physical, and reference check.

This is a union position, with salary and benefits provided per the Mid-Manager's collective bargaining agreement. Your starting salary will be \$64,753 for a typical work week of 37 hours. As we have discussed, the Board of Selectmen is hopeful that reductions in hours for Mid-Managers effected in 2009 can be restored soon. In the event that hours are restored, you would remain at the salary of \$64,753 for a work week of 40 hours. There is a probationary period of 120 days.

The Board of Selectmen looks forward to your becoming a part of the Town of Tyngsborough.

Sincerely,

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Kerry Colburn-Dion, Town Treasurer
Jacqueline Cronin, Town Accountant



Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

Question regarding Tyngsborough's agreement with Verizon for PEG grant

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov>

Fri, Nov 19, 2010 at 12:44 PM

To: William Hewig <whewig@k-plaw.com>

Bill-

The Town has received a letter from a concerned resident regarding the payment of PEG funds to the Town by Verizon, per Section 5.2 of the Town's agreement with Verizon dated October, 2006.

By my read of the agreement, the term of section 5.2 is as follows:

"5.2.1. Licensee shall provide an annual grant to the Town or its designee to be used for the support of the production of local PEG programming (the "PEG" Grant"). Such grant shall be used by the Town or its designee solely for PEG access equipment, including, but not limited to, studio and portable production equipment, editing equipment, editing equipment and program playback equipment, or for renovation or construction of PEG access facilities. The PEG grant provided by the Licensee hereunder shall be One Hundred Thousand Dollars (\$100,000) payable within ninety days of the Effective Date."

It appears that there is misunderstanding as to whether this \$100,000 is a one-time or an annual payment. Might you be able to provide clarification?

I have scanned the resident's letter and the relevant sections of the agreement, and attached them for your review.

Thank you,

Michael Gilleberto

--
Michael P. Gilleberto
Town Administrator
Town of Tyngsborough

DOC111910.pdf
181K

Board of Selectmen
Tyngsborough Town Hall
25 Bryant Lane
Tyngsborough, MA 01879

19 October 2010

2010 OCT 20 PM 1:16

Subj: Missing Funds (\$200,000), Verizon TV Cable Agreement

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

Tyngsborough signed a license agreement with Verizon to provide cable TV services with an effective date of October 30, 2006 and a expiration in fifteen(15) years. This agreement, sections 5.2.1, 5.2.2 and 6.1 requires Verizon to provide the following annual payments to Tyngsborough:

- A- \$100,000 annual grant (PEG Grant)—Section 5.2.1
- B- 3% of annual gross revenues (PEG Access Support)—Section 5.2.2
- C- \$.50 per subscriber/year (License Fee)—Section 6.1

Per the audited Town reports, the following payments were provided:

	Annual Grant(PEG Grant)	3% of Annual Gross Revenues	\$.50 per subscriber/year
FY 2007	\$100,000 Received	Payment Received	Payment Received
FY 2008	None Received	Payment Received	Payment Received
FY 2009	None Received	Payment Received	Payment Received

I discussed the missing \$100,000 for FY2008 and FY2009 with the town auditor who indicated that its not in her position description to check to ensure that all the required payments were received, but its up to the Department who signed the agreement, in this case the Selectmen.

I request that the Selectmen investigate to determine what happened to the \$100,000 for FY 2008 and \$100,000 for FY2009. Did Verizon fail to provide the \$100,000 annual grant for FY2008 and FY2009 or did Verizon provide them but the Town misdirected the \$200,000 to some other department (e.g. School, Police etc.)?

Please inform me, in writing, within 30 days when I may expect the results of this investigation.

Thank you,

Michael Sokolowski

Michael Sokolowski
25 Rock Road
Tyngsborough, MA 01879

4.3. *Emergency Alert System:* Licensee shall comply with the Emergency Alert System ("EAS") requirements of the FCC in order that emergency messages may be distributed over the System.

5. PEG SERVICES AND SUPPORT

5.1. *PEG Set Aside; Interconnection:*

5.1.1. In order to ensure universal availability of PEG programming, Licensee shall provide capacity on its Basic Service tier for three (3) Channels for Public Access, Educational Access and Government Access (collectively, "PEG Channels").

5.1.2. The Issuing Authority hereby authorizes Licensee to transmit PEG programming within and without the Town's jurisdictional boundaries. Licensee specifically reserves the right to make such assignments in its sole discretion. If a PEG Channel provided under this Article is not being utilized by the Town, Licensee may utilize such PEG Channel, in its sole discretion, until such time as the Town elects to utilize the PEG Channel for its intended purpose. In the event that the Town determines to use such PEG capacity, the Town shall provide Licensee with 120 days' prior written notice of such request.

5.1.3. The Licensee, at the Licensee's expense, shall interconnect its Cable System at Town Hall (located at 25 Bryants Lane) and the Tyngsborough elementary school (located at 205 Westford Road) as may be necessary to ensure the Licensee's carriage of the PEG Access Channels over the Cable System. The Licensee shall take reasonable steps to accomplish such interconnection within one-hundred twenty (120) days of the Effective Date, provided that the Town shall cooperate with the Licensee with respect to such interconnection, including, without limitation, providing Licensee with timely and reasonably sufficient access to the above locations. The Licensee shall provide, install, maintain, repair and replace equipment as may be necessary to receive and transmit such PEG Access Programming from the designated location to Subscribers. The interconnection shall be implemented in consultation with the Town and/or its designee(s) to ensure coordination and implementation of same.

5.2. *PEG Grant and PEG Access Support:*

5.2.1. Licensee shall provide an annual grant to the Town or its designee to be used for the support of the production of local PEG programming (the "PEG Grant"). Such grant shall be used by the Town or its designee solely for PEG access equipment, including, but not limited to, studio and portable production equipment, editing equipment and program playback equipment, or for renovation or construction of PEG access facilities. The PEG Grant provided by Licensee hereunder shall be One Hundred Thousand Dollars (\$100,000) payable within ninety (90) days of the Effective Date.

5.2.2. Licensee shall provide payments to the Town or its designee to be used to support ongoing operations of PEG access programming (the "PEG Access Support"). Such payment shall be used by the Town or its designee solely for personnel, operating and other related expenses incurred in connection with PEG access programming operations. Subject to

the limitations in Section 6.2, the PEG Access Support provided by Licensee hereunder shall be three percent (3%) of Licensee's annual Gross Revenues and paid pursuant to Section 5.2.3 below. Each payment made pursuant to this Section 5.2.2 shall be accompanied by a statement certified by a duly authorized representative of Licensee documenting, in reasonable detail, the basis for the computation.

5.2.3. The PEG Access Support payments (Section 5.2.2) shall be made no later than forty-five (45) days following the end of each calendar quarter. Licensee shall be allowed to submit or correct any payments that were incorrectly omitted, or shall be refunded any payments that were incorrectly submitted, in connection with the quarterly remittances within ninety (90) days following the close of the calendar year for which such payments were applicable. For purposes of the PEG Access Support payment, the period for determining Gross Revenues shall be the preceding calendar quarter. If Cable Services subject to the calculation of Gross Revenues are provided to Subscribers in conjunction with Non-Cable Services, the amount of such revenue included in the calculation of Gross Revenues shall be only the value of the Cable Services, as reflected on the books and records of Licensee in accordance with FCC or State rules, regulations, standards or orders.

5.3. *PEG Operations.* The Issuing Authority shall require all local producers and users of any of the PEG facilities or Channels to agree in writing to authorize Licensee to transmit programming consistent with this License. In accordance with Section 638 of the Communications Act (47 U.S.C. § 558), the Licensee shall not incur any liability arising from or in connection with the use of a PEG facility or Channel.

5.4. *Recovery of Costs.* To the extent permitted by federal law, the Licensee shall be allowed to recover the costs of the PEG Grant, the PEG Access Support and any other costs arising from the provision of PEG services from Subscribers and to include such costs as a separately billed line item on each Subscriber's bill. Without limiting the foregoing, if allowed under State and federal laws, Licensee may externalize, line-item, or otherwise pass-through interconnection costs to Subscribers.

6. LICENSE FEES

6.1. *License Fee:* Pursuant to Section 9 of the Massachusetts Cable Law, the Licensee shall pay to the Town, throughout the term of this License, a license fee equal to fifty cents (\$.50) per Subscriber per year (the "License Fee").

6.2. *Maximum Financial Obligation:* The Licensee shall not be liable for a total franchise fee pursuant to this License and applicable law in excess of five percent (5%) of its annual Gross Revenues; provided that such five percent (5%) shall include (i) the License Fee payable to the Town (Section 6.1), (ii) the license fee payable to the Commonwealth of Massachusetts pursuant to Section 9 of the Massachusetts Cable Law, and (iii) the PEG Access Support (Section 5.2.2), but it shall not include the PEG Grant (Section 5.2.1) or any other exclusions to the term "franchise fee" pursuant to Section 622(g)(2) of the Communications Act.

6.3. *Payment Information:* In determining the License Fee, the number of Subscribers shall be measured as of December 31 of the preceding calendar year. The License Fee shall be paid no later than March 15 of each year during the term of this License.

7. CUSTOMER SERVICE

Customer Service Requirements are set forth in **Exhibit D**, which shall be binding unless amended by written consent of the parties. Licensee shall comply with the billing and termination of service provisions set forth in 207 CMR 10.00, as amended,

8. REPORTS AND RECORDS

8.1. *Open Books and Records:* Upon reasonable written notice to the Licensee and with no less than thirty (30) business days written notice to the Licensee, the Issuing Authority shall have the right to inspect Licensee's books and records pertaining to Licensee's provision of Cable Service in the Town at any time during Normal Business Hours and on a nondisruptive basis, as are reasonably necessary to ensure compliance with the terms of this License. Such notice shall specifically reference the section or subsection of this License which is under review, so that Licensee may organize the necessary books and records for appropriate access by the Issuing Authority. Licensee shall not be required to maintain any books and records for License compliance purposes longer than three (3) years. Notwithstanding anything to the contrary set forth herein, Licensee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose any of its or an Affiliate's books and records not relating to the provision of Cable Service in the Town. The Issuing Authority shall treat any information disclosed by Licensee as confidential and shall only disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof unless required to do so by law. Licensee shall not be required to provide Subscriber information in violation of Section 631 of the Communications Act, 47 U.S.C. § 551.

8.2. *Records Required:* Licensee shall at all times maintain:

8.2.1. Records of all written complaints for a period of three (3) years after receipt by Licensee. The term "complaint" as used herein shall mean any written or verbal contact with Licensee in connection with a subscription in which a Subscriber expresses dissatisfaction with an act, omission, product or service relating to the provision of Cable Services in the Town that is (i) within Licensee's control, and (ii) requires a corrective measure on the part of Licensee. Complaints recorded will not be limited to complaints requiring an employee service call;

8.2.2. Records of outages for a period of three (3) years after occurrence, indicating date, duration, area, and the number of Subscribers affected, type of outage, and cause;

8.2.3. Records of service calls for repair and maintenance for a period of three (3) years after resolution by Licensee, indicating the date and time service was required, the



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

TO: Department Heads and Board Chairpersons

FROM: Michael P. Gilleberto, Town Administrator 

DATE: November 9, 2010

RE: Capital Asset Management Plan - Update

The Capital Asset Management Committee has developed a 5 year capital plan that must be updated annually. The Committee has begun the process of updating the plan and seeks your input.

Please complete the attached forms and return them to me by November 22, 2010. Electronic copies are also being forwarded to Department Heads via email. You are also asked to identify: a) any emergent needs for capital items; and b) your first priority capital need. The Committee will review the information and will meet on **December 1, 2010 at Town Hall** to discuss requests with Department Heads and Board Chairpersons. You are requested to attend this meeting at **9:00 am** on that day.

The capital asset management plan recommended by the Committee in the spring is attached for your reference.

Thank you for your cooperation.

cc: Board of Selectmen
Capital Asset Management Committee
Finance Committee



**Town of Tyngsborough
Capital Asset Management Committee**

Instructions

November 2007

Form 1:

Form 1 is to be prepared by the Department for each item individually over \$50,000 and with a useful life of at least 5 years. If a single project consists of many individual items (such as a building or addition), then the entire project should be treated as one item in total, not by individual component. If a Form 1 was submitted in a previous year, then it must be resubmitted again each subsequent year with updated cost and other information, until the acquisition or purchase is made, or the need no longer exists. If an item is not resubmitted the following year, it will be dropped from the Capital Report and Budget.

If an item is a normal recurring item, then it should be included in the Departmental expense budget and not as a capital request, even if the amount is over \$50,000. If it is not a normal annual recurring item, and the amount is under \$50,000, then the Department should follow the annual budgetary process.

Please note the following:

- a) **Tracking Number.** The "Tracking Number" should be assigned by the Department using a 7 digit number and by priority as follows:

<u>Dept #</u>	<u>Year</u>	<u>Number</u>
145	09	01 (starting with 01)

For example, for the Treasurer's Department (Dept. #145), fiscal year needed (2009), first capital item with top priority (01).

- b) **Priority.** The "Priority" of the item given by your Department will be expressed by the order in which you list your projects on Form 1 and Form 2.
- c) **Fiscal Year Needed.** The "Fiscal Year Needed" should represent your Department's determination of the fiscal year in which the capital asset should be acquired.
- d) **Capital Project Supplemental Information (page 2 of Form 1).** Note that this page is to be completed for Equipment requests only.

- e) **Use of Non-General Funds.** If the purchase or acquisition is to be funded 100% from outside grants or Community Preservation Act funds (CPA), without any Town General Fund appropriation or transfer, then Form 1 is not required to be submitted. However, if there is a combination or split of grants and/or CPA funds along with a Town contribution, and the total cost including grants and Town contribution is \$50,000 or greater, then Form 1 must be completed and submitted along with the complete details of the project.
- f) **Emergency Needs.** If there are any emergency capital needs that were not previously addressed in the prior year's Capital Improvement Report and Budget, then these items will be dealt with by exception on an individual basis for emergencies and public health & safety issues via the Board of Selectmen and the Finance Committee.

Form 2:

For each Form 1, the information from Part 1 should be transferred onto Form 2 with one line for each Form 1. The listing should be in priority order as noted above. The total cost (in thousands) should be listed in the proper column based on the Department's determination of the fiscal year needed, and expressed in terms of today's "Current Dollar" cost.



**Town of Tyngsborough
Capital Project Item Justification Request
Five Year Plan - Form 1
FY 2012 to FY 2016**

Part I

Tracking # ____ - ____ - ____ Dept Name _____ Contact Person/Tel # _____

Prepared by _____ Signature _____ Date _____

Fiscal Year Needed _____ Project Name _____

Expected Life of Item ____ (Yrs) Is this a replacement Item ____ Are Add'l Pages Attached ____

Total Estimated Cost \$ _____ (In Current Dollars)

Was a Grant applied for in connection with this project? ____ If yes, submit a copy

Is a Design, Study, Bid Specification, or Consultant required for this project? _____
If yes, has this been completed? _____ (If yes, submit details and copies of documents
Including Consultant's Report)

Is this a Regulatory Compliance Requirement? _____

Part II

Detailed description to include explanation of need, general specifications, with explanation of significance and reason for timing:

Source of estimated cost (include copies of any backup information as appropriate):

Detailed explanation of impact on operating budget (Include impact if funded, ie savings etc, and also if NOT funded):

If item is replacing a like item (including vehicles or equipment), list age, condition, mileage etc of equipment to be replaced



Town of Tyngsborough
Capital Project Supplemental Information For Equipment Requests
Five Year Plan – Form 1
FY 2012 to FY 2016

Reference: Project Name _____ Tracking Number _____

Purpose of expenditure: (Check as appropriate)

- Scheduled Replacement
- Present Equipment Obsolete
- Replace Worn Out Equipment
- Reduce Personnel Time (ie, Payroll Savings)
- Expanded Service
- New Operation
- Increased Safety
- Improve Procedures, Records, Etc
- Regulatory Compliance

Usage: (Answer as appropriate)

Estimated Usage of Requested Item:

Will this item be used on a seasonal basis only? _____

Months Use per Year _____

Number of Weeks Use per Year _____

Average Days per Week Used _____

Average Hours per Day Used _____

Estimated Useful Life (in Years) _____

**Town of Tyngsborough
Capital Asset Management Plan
Recommendations - FY 2011 -2015**

	<u>Tracking #</u>	<u>Description</u>	<u>Requested Total Cost</u>	<u>FY11 Recommended Amount</u>	<u>Comprehensive Recommended Amount</u>	<u>FY</u>
Police	210-14-01	Building Addition	\$106,380		\$106,380	2014
Fire	220-11-01	Fire Station #2 - replace	\$2,500,000		\$2,500,000	2012
	220-11-02	Car #1 - replace	\$40,000	\$40,000	\$40,000	2011
	220-12-01	Engine #7 - replace	\$400,000		\$400,000	2012
	220-14-01	Turn Out Gear	\$52,000		\$52,000	2014
			\$2,992,000		\$2,992,000	
Highway	425-11-01	Dump Truck w/plow,sander,wing - replace	\$127,000	\$130,000	\$130,000	2011
	425-11-02	Highway Wash Station - Phase II Completion	\$80,000	\$100,000	\$100,000	2011
	425-12-01	Pick-up Truck - replace	\$50,000		\$50,000	2012
	425-13-01	6-wheel Dump Truck with Sander - replace	\$127,000		\$127,000	2013
	425-14-01	Brush and Wood Chipper - replace	\$51,000		\$51,000	2014
	425-15-01	Pick-up Truck w/plow - replace	\$50,000		\$50,000	2015
			\$485,000		\$508,000	
School	300-01	Technology Upgrade Plan - System Wide	\$505,900	\$100,000	\$505,900	2011-2015
	300-02	Paving Plan - System Wide	\$425,000	\$80,000	\$425,000	2011-2015
	300-11-03	Windows - MS	\$400,000		\$400,000	2012
	300-11-04	Bleachers - Gym MS	\$80,000	\$80,000	\$80,000	2011
	300-11-05	Bleachers - Pierce Field HS	\$125,000	\$125,000	\$125,000	2011
	300-11-06	Athletic (Softball) Field - MS/HS	\$115,000		\$115,000	2012
	300-12-03	Pick-up Truck - replace	\$35,000		\$35,000	2012
	300-12-04	Generator - MS	\$60,000		\$60,000	2012
	300-12-05	Auditorium Refurbish - Norris Road Complex	\$300,000		\$300,000	2012
	300-12-06	Ceiling Refurbish - MS	\$150,000		\$150,000	2012
	300-12-07	Replace Flooring - HS Caf�/Library/Modulars	\$100,000		\$100,000	2012
	300-13-03	Windows - ECC	\$250,000		\$250,000	2013
	300-13-04	Generator - ECC	\$60,000		\$60,000	2013
	300-13-05	Concessions/Restrooms - Pierce Field - HS	\$185,000		\$185,000	2013
	300-14-03	Roof Replacement - HS Modulars	\$200,000		\$200,000	2014
	300-14-04	Restrooms - MS	\$100,000		\$100,000	2014
	300-14-05	HVAC - ECC	\$300,000		\$300,000	2014
	300-14-06	Ceiling Asbestos - MS	\$250,000		\$250,000	2014
	300-15-03	Roof Replacement - HS	\$3,200,000		\$3,200,000	2015
			\$6,840,900		\$6,840,900	
Selectmen		Technology - Town Wide		\$25,000	\$25,000	2011
		Town Road Plan - Town Wide		\$100,000	\$100,000	2011
			\$0	\$125,000	\$125,000	
Debt		Payoff some existing non-exempt debt	\$228,100	\$228,100	\$228,100	2011
		Total Request	\$10,652,380	\$1,008,100	\$10,800,380	

**Town of Tyngsborough
Capital Asset Management Plan
Recommendations - FY 2011 -2015**

			FY11	Comprehensive	FY
		Total Capital Recommendations (from page 1)	\$1,008,100	\$10,800,380	
		Available Funds:			
		Amount available in Capital Stabilization Fund	\$241,000	\$241,000	
		Amount available in Highway Fund	\$900	\$900	
		Total Available Funds	\$241,900	\$241,900	
		FY11 Funding Recommendation			
		1) Fund debt from Available Funds	\$228,100		
		2) Capital Exclusion Referendum before 9/15/10	\$780,000		
			\$1,008,100		
Town Meeting Vote	Ballot Vote	Comprehensive (includes capital exclusion referendum)			
ATM 2010		1) Paydown FY11 non-exempt debt		\$228,100	
ATM 2010	by 9/15/10	2) Capital Exclusion for Fire Incident Command Car		\$40,000	
ATM 2010	by 9/15/10	3) Capital Exclusion for Highway Dump Truck		\$130,000	
ATM 2010	by 9/15/10	4) Capital Exclusion for Highway Wash Station Phase II		\$100,000	
ATM 2010	by 9/15/10	5) Capital Exclusion for School Technology Upgrade		\$100,000	
ATM 2010	by 9/15/10	6) Capital Exclusion for School Paving Plan		\$80,000	
ATM 2010	by 9/15/10	7) Capital Exclusion for Middle School Gym Bleachers		\$80,000	
ATM 2010	by 9/15/10	8) Capital Exclusion for Pierce Field HS Bleachers		\$125,000	
ATM 2010	by 9/15/10	9) Capital Exclusion for Town Wide Technology		\$25,000	
ATM 2010	by 9/15/10	10) Capital Exclusion for Town Road Plan		\$100,000	
				\$1,008,100	2011
ATM 2011		11) Fund or Borrow \$ for FY12 items			
	2011	<i>Debt or Capital Exclusion on ballot in 2011</i>		\$4,379,250	2012
ATM 2012		12) Fund or Borrow \$ for FY13 items			
	2012	<i>Debt or Capital Exclusion on ballot in 2012</i>		\$796,300	2013
ATM 2013		13) Fund or Borrow \$ for FY14 items			
	2013	<i>Debt or Capital Exclusion on ballot in 2013</i>		\$1,223,730	2014
ATM 2014		14) Fund or Borrow \$ for FY15 items			
	2014	<i>Debt or Capital Exclusion on ballot in 2014</i>		\$3,393,000	2015
				\$10,800,380	

APPLICATION FOR EMPLOYMENT

We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, or any other legally protected status.

(PLEASE PRINT)

Position(s) Applied For	Date of Application
How Did You Learn About Us?	
<input type="checkbox"/> Advertisement	<input type="checkbox"/> Relative
<input type="checkbox"/> Employment Agency	<input checked="" type="checkbox"/> Friend
	<input type="checkbox"/> Inquiry
	<input type="checkbox"/> Other

Last Name	First Name	Middle Name
YOUNG	MARYANNE	
Address Number	Street	City
64	BALTIMORE AVE	LOWELL
		State
		MA
		Zip Code
		01851
Telephone Number(s)	Social Security Number	
978-458-9006		

Best time to contact you at home is: _____ AM PM

If you are under 18 years of age, can you provide required proof of your eligibility to work? Yes No

Have you ever filed an application with us before? Yes No

If Yes, give date _____

Have you ever been employed with us before? Yes No

If Yes, give date _____

Do any of your friends or relatives, other than spouse, work here? Yes No

Are you currently employed? Yes No

May we contact your present employer? Yes No

Are you prevented from lawfully becoming employed in this country because of Visa or Immigration Status
Proof of citizenship or immigration status will be required upon employment. Yes No

Date available for work 11/15/10 What is your desired salary range? 13.00

Are you available to work: Full-Time (please indicate 1 2 3 shift)

Part-Time (please indicate Mornings Afternoon Evenings)

Temporary (please indicate dates available ___/___/___ - ___/___/___)

Are you currently on "lay-off" status and subject to recall? Yes No

Can you travel if a job requires it? Yes No

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

EMPLOYMENT EXPERIENCE

Start with your present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, disabilities or other protected status.

1.	Employer	Pacatransit	Dates Employed		Work Performed
	Address	Hale St	From	To	
	Telephone Number(s)		2004	Present	Driver
	Job Title	Supervisor	Hourly Rate/Salary		
	Reason for Leaving		Starting	Final	
2.	Employer	Franco D'Arc	Dates Employed		Work Performed
	Address	Merrimack St	From	To	
	Telephone Number(s)		1993	2008	Branch Manager
	Job Title	Supervisor	Hourly Rate/Salary		
	Reason for Leaving		Starting	Final	
3.	Employer		Dates Employed		Work Performed
	Address		From	To	
	Telephone Number(s)		Hourly Rate/Salary		
	Job Title	Supervisor	Starting	Final	
	Reason for Leaving				
4.	Employer		Dates Employed		Work Performed
	Address		From	To	
	Telephone Number(s)		Hourly Rate/Salary		
	Job Title	Supervisor	Starting	Final	
	Reason for Leaving				

If you need additional space, please continue on a separate sheet of paper.

List professional, trade, business or civic activities and offices held.

You may exclude membership which would reveal gender, race, religion, national origin, age, ancestry, disability or other protected status:

ADDITIONAL INFORMATION

Other Qualifications

Summarize special job-related skills and qualifications acquired from employment or other experience.

SPECIALIZED SKILLS (CHECK SKILLS/EQUIPMENT OPERATED)

<input type="checkbox"/> Terminal	<input type="checkbox"/> Spreadsheet	Production/Mobile Machinery (list)	Other (list)
<input type="checkbox"/> PC/MAC	<input type="checkbox"/> Word Processing	_____	_____
<input type="checkbox"/> Typewriter	<input type="checkbox"/> Shorthand	_____	_____
WPM _____	WPM _____	_____	_____

State any additional information you feel may be helpful to us in considering your application.

Note to Applicants: DO NOT ANSWER THIS QUESTION UNLESS YOU HAVE BEEN INFORMED ABOUT THE REQUIREMENTS OF THE JOB FOR WHICH YOU ARE APPLYING.

Are you capable of performing in a reasonable manner, with or without a reasonable accommodation, the activities involved in the job or occupation for which you have applied? A review of the activities involved in such a job or occupation has been given. YES NO

REFERENCES

1. James Lynch	(978) 815 9251
(Name)	Phone #
(Address)	
2.	()
(Name)	Phone #
(Address)	
3.	()
(Name)	Phone #
(Address)	

FOR PERSONNEL DEPARTMENT USE ONLY

Position(s) Applied For Is Open: Yes No

Position(s) Considered For: _____

Date _____

NAME: _____

POSITION: _____

DATE: _____

1 / 1

APPLICANT'S STATEMENT

I certify that answers given herein are true and complete.

I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision.

This application for employment shall be considered active for a period of time not to exceed 45 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at that time.

I hereby understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with this organization is of an "at will" nature, which means that the Employee may resign at any time and the Employer may discharge Employee at any time with or without cause. It is further understood that this "at will" employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of this organization.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the employer.

Maryanne Young
Signature of Applicant

11/10/10
Date

FOR PERSONNEL DEPARTMENT USE ONLY

Arrange Interview Yes No

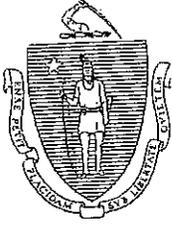
Remarks _____

Employed Yes No Date of Employment _____

Job Title _____ Hourly Rate/Salary _____ Department _____

By _____
NAME AND TITLE DATE

This Application For Employment is sold for general use throughout the United States. Amsterdam Printing and Litho assumes no responsibility for the use of said form or any questions which, when asked by the employer of the job applicant, may violate State and/or Federal Law.



THE COMMONWEALTH OF MASSACHUSETTS
 DEPARTMENT OF
 PUBLIC UTILITIES
 Transportation Oversight Division
 One South Station
 Boston, MA 02110
 (617) 305-3559

YOUNG, MARYANNE
 64 BALTIMORE AVE
 LOWELL, MA 01851

LCNS# :
 ISSUE DATE : 6/23/2010
 EXP. DATE : 6/20/2020
 RESTRICTED TO 14 PASSENGERS
 OR LESS.

IS CERTIFIED TO DRIVE MOTOR VEHICLES UNDER AUTHORITY OF MGL
 CHAPTER 159A§9 SUBJECT TO RESTRICTIONS LISTED HEREON.

This certificate is null and void whenever the license issued by the Registry Of Motor Vehicles is
 revoked, suspended, or not renewed and MUST be returned immediately to The Department Of
 Public Utilities
 Does not authorize driving school bus or 7D vehicle.

Maryanne Young
 NOT VALID UNTIL SIGNED BY LICEN

Benjamin K. Coyle

AUTHORIZED DTE SIGNATURE

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined Maryanne Young in accordance with the
 Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this
 person is qualified; and, if applicable, only when:

- wearing corrective lenses
 wearing hearing aid
 accompanied by a _____ waiver/exemption
 driving within an exempt intracity zone (49 CFR 391.62)
 accompanied by a Skill Performance Evaluation Certificate (SPE)
 qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A complete examination form with
 any attachment embodies my findings completely and correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER <i>[Signature]</i>	TELEPHONE (978) 458-6868	DATE 5/4/10
MEDICAL EXAMINER'S NAME (PRINT) DAN WOLFE	<input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> Chiropractor	<input checked="" type="checkbox"/> Physician Assistant <input type="checkbox"/> Advanced Practice Nurse
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO. / ISSUING STATE 1237 / MA		
SIGNATURE OF DRIVER <i>Maryanne Young</i>	DRIVER'S LICENSE NO.	STATE MA
ADDRESS OF DRIVER 64 Baltimore Ave Lowell MA 01851		
MEDICAL CERTIFICATE EXPIRATION DATE 5/4/11		

DISTRIBUTION: 1 COPY TO THE DRIVER, 1 COPY TO THE MOTOR CARRIER

APPLICATION FOR EMPLOYMENT

NAME: FRED E. FRENCH POSITION: _____ DATE: 11 10 10

We consider applications for all positions without regard to race, color, religion, creed, sex, national origin, disability, sexual orientation, citizenship status or any other legally protected status.

(PLEASE PRINT)

Position(s) Applied For <u>Driver</u>	Date of Application <u>11-10-10</u>
--	--

How Did You Learn About Us?

Advertisement Relative Inquiry
 Employment Agency Friend Other

Last Name <u>FRENCH</u>	First Name <u>FRED</u>	Middle Name <u>ELLISON</u>
Address <u>161 SHERBURNE AVE</u>	City <u>Tyringboro</u>	State <u>MA</u> Zip Code <u>01879</u>
Telephone Number(s) <u>978-649-7810</u>	Social Security Number (Voluntary)	

Best time to contact you at home is: 8:00 ~~8:00~~ AM/PM

If you are under 18 years of age, can you provide required proof of your eligibility to work? Yes No

Have you ever filed an application with us before? Yes No

..... If Yes, give date _____

Have you ever been employed with us before? Yes No

If Yes, give date _____

Do any of your friends or relatives, other than spouse, work here? Yes No

Are you currently employed? Yes No

May we contact your present employer? Yes No

Are you prevented from lawfully becoming employed in this country because of Visa or Immigration Status
Proof of citizenship or immigration status will be required upon employment. Yes No

Date available for work ASAP What is your desired salary range? \$12.00

Are you available to work: Full-Time (please indicate 1 2 3 shift)
 Part-Time (please indicate Mornings Afternoon Evenings)
 Temporary (please indicate dates available ___/___/___ - ___/___/___)

Are you currently on "lay-off" status and subject to recall? Yes No

Can you travel if a job requires it? Yes No

EMPLOYMENT EXPERIENCE

Start with your present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, abilities or other protected status.

1.	Employer	Dates Employed		Work Performed
	<i>Assoc. Services</i>	From	To	
	Address	<i>6/2001 6/2008</i>		<i>Custodian, cleaning</i>
	<i>New Boston Air Force TRACKING Station</i>			
	Telephone Number(s)	Hourly Rate/Salary		
		Starting	Final	
	Job Title			
	<i>Custodian</i>		<i>\$10.49</i>	
	Supervisor			
	<i>FRED HUB</i>			
	Reason for Leaving			
	<i>et Co</i>			
2.	Employer	Dates Employed		Work Performed
	<i>Koltzman Inc.</i>	From	To	
	Address	<i>8/1974 6/1989</i>		<i>Inspection QC</i>
	<i>DW High Way. Merrimack</i>			
	Telephone Number(s)	Hourly Rate/Salary		<i>Quality Control</i>
		Starting	Final	
	Job Title			
	<i>QC Inspector</i>	<i>3.00</i>	<i>\$15.00</i>	
	Supervisor			
	<i>Tom Ponnay</i>			
	Reason for Leaving			
	<i>6/2/89</i>			
3.	Employer	Dates Employed		Work Performed
		From	To	
	Address			
	Telephone Number(s)	Hourly Rate/Salary		
		Starting	Final	
	Job Title			
	Supervisor			
	Reason for Leaving			
4.	Employer	Dates Employed		Work Performed
		From	To	
	Address			
	Telephone Number(s)	Hourly Rate/Salary		
		Starting	Final	
	Job Title			
	Supervisor			
	Reason for Leaving			

If you need additional space, please continue on a separate sheet of paper.

List professional, trade, business or civic activities and offices held.
 You may exclude membership which would reveal gender, race, religion, national origin, age, ancestry, disability or other protected status:

Printer

ADDITIONAL INFORMATION

Other Qualifications
 Summarize special job-related skills and qualifications acquired from employment or other experience.

SPECIALIZED SKILLS (CHECK SKILLS/EQUIPMENT OPERATED)

Terminal	Spreadsheet	Production/Mobile Machinery (list)	Other (list)
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		
WPM <input type="checkbox"/>	WPM <input type="checkbox"/>		

State any additional information you feel may be helpful to us in considering your application.

Note to Applicants: DO NOT ANSWER THIS QUESTION UNLESS YOU HAVE BEEN INFORMED ABOUT THE REQUIREMENTS OF THE JOB FOR WHICH YOU ARE APPLYING.

Can you perform the essential functions of the job, for which you are applying, either with or without a reasonable accommodation? YES NO

REFERENCES

1. Doris Clark (Name) (978) 688-7810 Phone #
101 SHERBURN AVE Tyngsboro MA 01879 (Address)

2. _____ (Name) _____ Phone #
 _____ (Address)

3. _____ (Name) _____ Phone #
 _____ (Address)

APPLICANT'S STATEMENT

I certify that answers given herein are true and complete.

I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision.

This application for employment shall be considered active for a period of time not to exceed 45 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at that time.

I hereby understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with this organization is of an "at will" nature, which means that the Employee may resign at any time and the Employer may discharge Employee at any time with or without cause. It is further understood that this "at will" employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of this organization.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the employer.


Signature of Applicant

11-10-10
Date

FOR PERSONNEL DEPARTMENT USE ONLY

Arrange Interview Yes No

Remarks _____

INTERVIEWER DATE

Employed Yes No Date of Employment _____

Job Title _____ Hourly Rate/
Salary _____ Department _____

By _____ DATE _____
NAME AND TITLE

This Application For Employment is sold for general use throughout the United States. Amsterdam Printing and Litho assumes no responsibility for the use of said form or any questions which, when asked by the employer of the job applicant, may violate State and/or Federal Law.

MASSACHUSETTS



DRIVER'S LICENSE

NUMBER

DOB: 04-26-2011 EXP: 04-26-1946

CLASS: D REST: 5'04" SEX: M

FRENCH

FRENCH
167 SHERBURN AVE
LYNGSBOROUGH MA
01879-2104



Sam French

REGISTRAR



Candidates for interview – Highway Clerk

Louanne Brady

PeggyLyn Decker

Bobbie-Jean Devine

Pauline Foote

Cecilia Hardy

Kristine Hartwell

Gina Langone

Heather Lowe

Laurie Somers

Kumari Weliwitiigoda



Town of Tyngsborough and the SEIU, Local 888 (Clerical)

MEMORANDUM OF AGREEMENT FOR JULY 1, 2010-JUNE 30, 2011

Subject to ratification votes by each party, the Town of Tyngsborough ("Town") and the SEIU, Local 888 (Clerical) ("Union"), ("the parties") hereby agree to amend the Agreement dated July 1, 2007 through June 30, 2010 as follows:

- (1) Article 19 (wages)
The parties agree to a 0% wage increase for Fiscal Year 2011. Effective December 2, 2010, employees will be returned to the contractual rate and/or step increases that were suppose to be in place as of June 30, 2010.
- (2) (Hours)
Effective December 2, 2010, the Town agrees to restore hours for all members of the union to the levels detailed in the Attachment.
- (3) Custodians: The parties agree that the positions of Council on Aging Custodian and Police Department Custodian will be transferred and included in the Highway Union bargaining unit effective June 30, 2011. It is agreed that so long as the incumbents remain in the positions of Police custodian and the Director of the Council on Aging that the Police Custodian will not be required to transfer to the Council on Aging. Once the incumbent to either of these positions vacates his/her position, the preceding restriction will become null and void. Other transfers are allowed in accordance with the terms of the collective bargaining agreement.
- (4) Article 22 (Duration of agreement): The parties agree to a one year extension of the agreement so "July 1 2007" will be replaced with "July 1, 2010" and "June 30, 2010" will be replaced with "June 30, 2011". In second paragraph, "January 1, 2010" will be replaced with "January 1, 2011".
- (5) Grievances. The Union agrees to withdraw any and all pending grievances with prejudice.

FOR SEIU, Local 888 (Clerical):

FOR THE TOWN OF TYNGSBOROUGH:

Dated:

Dated:

Dated:

Dated:

Dated:

Dated:



Dated:

Dated:

Dated:

Dated:



Town of Tyngsborough and the SEIU, Local 888 (Highway)

MEMORANDUM OF AGREEMENT FOR JULY 1, 2010-JUNE 30, 2011

Subject to ratification votes by each party, the Town of Tyngsborough ("Town") and the SEIU, Local 888 (Highway) ("Union"), ("the parties") hereby agree to amend the Agreement dated July 1, 2007 through June 30, 2010 as follows:

(1) Article 11 (salaries)

The parties agree to a 0% wage increase for Fiscal Year 2011.

(2) (Hours)

The Town agrees to restore hours for all members of the union for Fiscal Year 2011. The work schedule for the year shall be as follows:

9 weeks (July 1-Sept 1) at 32 hours per week worked per employee: Total 288 hours; paid for 342 hours.

13 weeks (Sept 2-Dec 1) at 40 hours per week worked per employee: Total 520 hours; hourly rate adjusted so paid for equivalent of 456 hours.

TOTAL THROUGH DEC 1: 808 hours worked; paid for 836 hours

The difference of 28 hours shall be made up as follows:

30.2 weeks (Dec 2 – June 29) at 40 hours per week worked per employee: Total 1208 hours; hourly rate adjusted so paid for equivalent of 1,180 hours (or 39.07 hours per week)

GRAND TOTAL: 2,016 hours worked per employee; paid for 2,016 hours.

(3) (Cell phone stipend)

The Town agrees to pay a stipend for employee use of personal cell phones for Town business. The stipend shall be \$15.00 per month per employee, beginning in December, or \$105 for the Fiscal Year. It is recognized by the Town and the Union that the Town intends to consolidate its cellular phone contracts and wishes to provide Town phones to employees effective July 1, 2011. Nothing in this agreement shall require the Town to provide cellular phones to union employees.

(4) Custodians: The parties agree that the positions of Council on Aging Custodian and Police Department Custodian will be transferred and included in the Highway Union bargaining unit effective June 30, 2011. It is agreed that so long as the incumbents remain in the positions of Police custodian and the Director of the Council on Aging that the Police Custodian will not be required to transfer to the Council on Aging. Once the incumbent to either of these positions vacates his/her position, the preceding restriction will become null and void. Other transfers are allowed in accordance with the terms of the collective bargaining agreement.

(5) Article XXIX (Duration of agreement): The parties agree to a one year extension of the agreement so "July 1 2007" will be replaced with "July 1, 2010" and "June 30, 2010" will be replaced with "June 30, 2011".



FOR SEIU, Local 888 (Highway):

Dated:

Dated:

FOR THE TOWN OF TYNGSBOROUGH:

Dated:

Dated:

Dated:

Dated:

Dated:

Town of Tyngsborough and the SEIU, Local 888 (Mid-Managers)

MEMORANDUM OF AGREEMENT FOR JULY 1, 2010-JUNE 30, 2011

Subject to ratification votes by each party, the Town of Tyngsborough ("Town") and the SEIU, Local 888 (Mid-Managers) ("Union"), ("the parties") hereby agree to amend the Agreement dated July 1, 2007 through June 30, 2010 as follows:

- (1) Article 24 (salaries)
The parties agree to a 0% wage increase for Fiscal Year 2011. Effective December 2, 2010, employees will be returned to the contractual rate as of June 30, 2010.
- (2) (Hours)
Effective December 2, 2010, the Town agrees to restore hours for all members of the union to the levels detailed in the Attachment.
- (3) Article 28 (Duration of agreement): The parties agree to a one year extension of the agreement so "July 1 2007" will be replaced with "July 1, 2010" and "June 30, 2010" will be replaced with "June 30, 2011".
- (4) Grievances. The Union agrees to withdraw any and all pending grievances with prejudice.

FOR SEIU, Local 888 (Mid-Managers):

Dated:

Dated:

Dated:

Dated:

Dated:

FOR THE TOWN OF TYNGSBOROUGH:

Dated:

Dated:

Dated:

Dated:

Dated:

Town of Tyngsborough and the New England
Police Benevolent Association, Inc., Local 8

MEMORANDUM OF AGREEMENT FOR
JULY 1, 2010-JUNE 30, 2011

Subject to ratification votes by each party, the Town of Tyngsborough ("Town") and the New England Police Benevolent Association, Inc., Local 8 ("Union") ("the parties") hereby agree to amend the Agreement dated July 1, 2007 through June 30, 2010 as follows:

(1) Article 10, Section A (Wages) (Page 4): The parties agree to a 0% wage increase for Fiscal Year 2011.

(2) Article 10, Section A, Subsection 4 (Mileage Reimbursement) (Pages 4-5):

Rewrite subsection 4 as follows: "Effective September 28, 2010, any travel requiring the use of the employee's personal vehicle shall be reimbursed for each mile traveled at the then present IRS government rate per mile in addition to any parking, toll, and fees paid by the employee as stated in the IRS regulations."

The Union agrees to withdraw the pending grievance with prejudice on this issue that was filed on or around September 28, 2010.

(3) Article 10, Section C (Educational Incentive) (Page 5): Add Section 7 as follows:

"The Town agrees to pay the portion of the Commonwealth's share of the Quinn Bill during Fiscal Year 2011 that is not paid by the Commonwealth. This should not be construed as a waiver by either party to take any legal position concerning the payment or funding of the Quinn Bill in future fiscal years and both parties expressly reserve all such rights."

(4) Article 10, Section H (Master Patrolman) (Page 6): Add the following:

"The Police Chief shall hold an interview process by February 1, 2011 for the position of master patrolman and will appoint all qualified applicants in accordance with Article 10(H). All selected applicants will be paid their stipends by March 1, 2011. Thereafter, the test and interview process for master patrolmen will be held annually except in years where no additional officers become eligible for said stipend. Officers will become eligible for the stipend in the fiscal year that follows their fifth (5th) year anniversary as a full-time patrol officer. Tests and interviews will be completed by December 1st of each year and the stipends will be paid by December 31st of each year. If the Police Chief wants to add duties to the position of master patrolmen, he will enter into negotiations to discuss said duties with the Union."

(5) Article 12, Section A (Hours of Work – Dispatchers) (Page 6): Delete last sentence in Section A.

(Note: this will result in dispatchers overtime being calculated based upon a 37.5 hour workweek, rather than 40 hours, so their overtime will now be calculated in the same manner as all of the other police officers who also work a 4 and 2 schedule).

(6) Article 30 (Duration of agreement) (Page 16): The parties agree to a one year extension of the agreement so “July 1 2007” will be replaced with “July 1, 2010” and “June 30, 2010” will be replaced with “June 30, 2011”.

(7) Side Letter:

(a) The parties agree that patrol officers and communication specialists will be represented by the Union, as Unit A, while sergeants and lieutenants will be represented by the Union as Unit B, which will be a separate bargaining unit covered by a separate collective bargaining agreement. The parties agree that until such time as new collective bargaining agreements are agreed upon that the sergeants and lieutenants will continue to be covered under the terms of the existing collective bargaining agreement between the parties.

(b) The Town agrees that it will fill three (3) Lieutenant Positions effective July 1, 2011, with one lieutenant being assigned per shift.

(c) The Town agrees that it will withdraw the pending petition from the Division of Labor Relations.

(8) Agreement to Extend the Terms and Conditions of this Agreement:

Upon the expiration of this one-year agreement, in order to foster labor peace by providing a continuing code of conduct until such time as a successor agreement is executed, the parties agree, pursuant to G.L. c. 150E, Section 9, to extend the terms and conditions of this amended agreement, including any arbitration provision, until such time as a successor agreement is executed.

Notwithstanding this agreement to extend terms and conditions, the parties acknowledge that the successor collective bargaining agreement contemplated in this paragraph, regardless of its duration, shall be effective from June 30, 2011, the date of expiration of this one-year agreement.

FOR THE NEPBA, LOCAL 8:

FOR THE TOWN OF TYNGSBOROUGH:

Dated:

Dated:



Dated:





TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

FROM: Michael P. Gilleberto, Town Administrator *MP*
Therese Gay, Administrative Assistant

TO: Donald Crowell, Building Commissioner
Gene Spickler, Tax Collector
Kerri Oun, Health Director
William Mulligan, Police Chief
Timothy Madden, Fire Chief

DATE: November 19, 2010

RE: License Renewals

Renewal of annual licenses has begun. Attached please find a comprehensive list of all license issued by the Board of Selectmen.

Please review this list and alert the Administrative Office of any concerns about any license holder no later than Tuesday, November 30.

Thank you for your cooperation.



ALL ALCOHOLIC CLUB LICENSES

Robert D. Pelletier American Legion Post #247 / License #129800011	
American Legion Post #247	All Alcoholic Club License
John Burke, Mgr.	Common Victualler's License
80 Pawtucket Blvd	Automatic Amusement Devices License
978 649-7540	1 Jukebox, 1 Pool Table, 1 Megatouch,
<u>Capacity</u>	Weekday Entertainment License
Hall - 169	Sunday Entertainment State Form
Bar - 60	Sunday Entertainment Town Form

Tyngsboro Sportsman Club, Inc. / License #129800036	
DBA Tyngsboro Sportsmen's Club	All Alcoholic Club License
James Hustins, Mgr.	Common Victualler's License
90 Westford Road	Mail to: PO Box 65
<u>Capacity</u>	
Hall - 300	

Vesper Country Club, Inc. / License #129800013/129800042(9 th Hole Wine & Malt Club)	
DBA Vesper Country Club	All Alcoholic Club License
Kasey Cummings, Mgr.	Weekday Entertainment License
185 Pawtucket Blvd	Sunday Entertainment License/Town Form
978 458-8731	Wine and Malt License for 9 th Hole
<u>Capacity</u>	Common Victualler's License
Club House - 250	Sunday Entertainment License/State Form,
Main House	
Dinning Rm - 40	
Grill Room - 40	
Living Room - 40	
Ball Room - 85	





ALL ALCOHOLIC RESTAURANT LICENSES

Barbeque Integrated, Inc. / License #129800035

DBA Smokey Bones BBQ #7515 All Alcoholic Restaurant License

Steve Blaise, Mgr. Common Victualler's License

431 Middlesex Road Weekday Entertainment License – Disc Jockey, Bands (2guitars, singer, drummer and Karaoke) Automatic Amuse Device License

Seating Capacity

1 story – 325

***Note – Send license application to Home Office**

Barbeque Integrated, Inc. Attn: Licensing Solutions-Kathy Shaver

5104 North Orange Blossom Trail, Suite 104 Orlando, FL 32810

407-299-2555 k@licensingsolutions.us

Brinker Mass Corporation / License #129800043

DBA On The Border All Alcoholic Restaurant License

Thomas Ercoline, Mgr. Common Victualler's License

413 Middlesex Road

978 649-3040

Seating Capacity

1 Story - 304

CLOSED

***NOTE: Send License Certificates to Corp Office**

Brinker International, Roberto Frano, Regional Licensing Manager,

6820 LBJ Freeway,

Dallas TX 75240-6515

Carrabba's/New England Limited Partnership / License #129800048

DBA Carrabba's Italian Grill All Alcoholic Restaurant License

Kimberly Hanson, Mgr. Common Victualler License

386 Middlesex Road

978 649-8388

Seating Capacity

1 Story – 259

***Note – Send License Certificate to Corp Office**

Carrabba's Italian Grill, Inc., Attn: Kim Suthard 813-282-1225

2202 N. West Shore Blvd. 5th Floor, Tampa, FL 33607-5747

CS Business Enterprises, LLC / License #129800009

DBA Angela's Coal Fired Pizza at Tyngsborough

Alfonso Guevara, Mgr.

361 Middlesex Road

978

Seating Capacity

1st floor dining room - 250

FID/SSN:

All Alcoholic Restaurant License

Common Victualler's License

Delpero Enterprises, Inc. / License #129800019

DBA Café Il Cpresso

Charlene Rogers, Mgr.

130 Middlesex Road

978 649-4118

Seating Capacity

1st floor - 70

lower level - 70

All Alcoholic Restaurant License

Common Victualler's License

Auto Amuse Devices License

1 Jukebox

Weekday Entertainment License

Sunday Entertainment License



ALCOHOLIC RESTAURANT LICENSE cont:d

Dracut Food Service., Inc. / License #129800005

DBA Thirsty's
Thien Dang, Mgr.
25 Parham Road
978 649-9524

Seating Capacity
1 Story - 53

All Alcoholic Restaurant License
Common Victualler's License Mail Add 1167 Lakeview Ave
Automatic Amusement Devices License Dracut, MA 01826
1 Juke Box, 1 Pool Table, 1 Megatouch Force 2005
2 Video Pokers,
Sunday/Weekday Entertainment/Auto Amuse Devices License

GMRI, Inc. / License #129800007

DBA The Olive Garden Italian Restaurant
Matthew Ducharme, Mgr.
422 Middlesex Road
978 649-7300/978 649-6727

Seating Capacity
1 story - 99

All Alcoholic Restaurant License
Common Victualler's License

***Note - Send license application to Home Office**
GMRI, Inc. Barbara Torino, License Admin.
P. O. Box 593330, Orlando, FL 32859-3330

KAZ United Corp., Inc. / 129800053

DBA Michael's Pub
Michael Kazanjian, Mgr.
147 Frost Road
978 649-3040

Seating Capacity
1 story - 248
Outdoor Area - 210

All Alcoholic Restaurant License
Common Victualler's License

Maxamillians, Inc., / License #129800047

DBA Maxamillians Billiards, Food, Spirits
Glen Arthur Stanbury, Mgr.
315 Middlesex Road
978 649-0400

Seating Capacity
1st Floor -

All Alcoholic Restaurant License
Common Victualler's License
Automatic Amusement Devices License for
1 Jukebox, 16 Pool Tables, 2Mega Touch Force 2002
and 1 Golden Tee Golf
Weekday Entertainment License/Sunday Entertainment

Outback New England Inc., LTD Partnership / License #129800039

DBA Outback Steakhouse
Robert Webb, Mgr.
440 Middlesex Road
978 649-8700

Seating Capacity
1 Story - 266

All Alcoholic Restaurant License
Common Victualler's License

***Note - Send License Certificate to Corp Office**
Outback Steakhouse, Inc., Attn: Kim Suthard
2202 N. West Shore Blvd. 5th Floor, Tampa, FL 33607-5747

ALCOHOLIC RESTAURANT LICENSE cont'd

Ramoura, Corp. / License #129800008
DBA O'Conley's All Alcoholic Restaurant License
Robert Heroux, Mgr. Common Victualler's License
24 Middlesex Road P. O. Box 340 Automatic Amusement Devices License
978 251-4042 1 Juke Box, 2 Pool Table, 1 Pin Ball, 2 Double Up, 1 Golden Tee,
Seating Capacity 1 Megatouch XL
1 Story - 140 Weekday Entertainment License
Sunday Entertainment/Automatic Amuse Dev Lic

Three Middlesex Tyngsboro/ License #129800033
DBA Dream Diner All Alcoholic Restaurant License
Patrick K. Shanahan, Mgr. Common Victualler's License
384 Middlesex Road
978 649-7097 Transfer to Dream Diner
Seating Capacity
1st Floor 60

Tyngsborough Entertainment Company, Inc. / License #129800002
Blue Moon Lounge All Alcoholic Restaurant License
Debra Dubois, Mgr. Common Victualler's License
130 Frost Road Weekday Entertainment License
978 649-9018 Sunday Entertainment License
Seating Capacity
1 Story - 154

Tyngsboro Country Club, Inc. / License #129800040
DBA Tyngsboro Country Club All Alcoholic Restaurant License
Tammy Capra Gareau, Mgr. Common Victualler's License
58 Sherburne Avenue/PO Box 459 Weekday/Sunday Entertainment Lic
978 649-9792 or
978 649-7334
1st floor - 190 Banquet Hall
Clubhouse - 15

ALCOHOLIC RESTAURANT LICENSE cont'd

Tyngsboro Sports Center/#129800054
Darryl Wickens, Corp Officer
18 Progress Avenue
978 649-4402

All Alcohol General on Premise
Common Victualler License
Public Entertainment License – Recreation Center
Sunday Entertainment
License # Automatic Amusement 73

Auto Amuse Machines- 1 Stacker ML019120, 1 Lucky Leprechan
00123A, 1 Sports Zone 00123, 1 Ms Pac Man 1195, 1 Soccer Ball 99048,
1 Nascar Crane 25161, 1 Hydro Thunder 0178, 1 Maximum Force
30113105445, 1 Candy Cane 51817, 1 Gravity Hill 8816, 1 Skittle Ball 7543

ALL ALCOHOLIC INN HOLDERS LICENSE

Stonehedge Inn, Inc. / License #129800014

Stonehedge Inn
Levent Bozkurt, Mgr.
170 Pawtucket Blvd
978 649-4342

All Alcoholic Inn License
Wine Only Retail Sales Lic #129800051 – 160 Pawtucket Blvd
Common Victualler's License

Place of Assembly – Seating Capacity

Library - 45	Dressing Room - 20	restrooms - 18
Lobby - 5	Guest Room - 118	kitchen - 20
Employee Lounge – 20		entry - 4
Dinning Room - 325		service bar - 4
Function Room – 150		offices - 5



WINE and MALT RESTAURANT LICENSES

Demari Montini (USA), LTD / License #129800041
DBA Bella Italia Wine & Malt Restaurant License
Filomena Batista, Mgr. Common Victualler's License
22 Pondview Place
649-3697
Seating Capacity
1st floor - 48

Delpero Enterprises, Inc. / License #129800049
DBA Caffee IL Ciproso Wine & Malt Restaurant License
Kathleen Delpero, Mgr. Common Victualler's License
130B Middlesex Road
978 649-3128
Seating Capacity
1st floor - 25

George Tsingos & Anastasios Doukas / License #129800022
Flint's Pizza & Seafood Wine & Malt Restaurant License
Anastasios Doukas, Mgr. Common Victualler's License
150 Westford Road
978 649-3639
Seating Capacity
1st floor - 25

Iperos, Inc. / License #129800006
DBA Olympic Pizza Wine & Malt Restaurant License
Dimosthenis Pappas, Mgr. Common Victualler's License
240 Lakeview Avenue
978 649-6700
Seating Capacity
1st floor - 36



WINE AND MALT PACKAGE STORE

ANJALI, Inc. / License #129800050
DBA Sun City Variety Wine & Malt Package Store License
Meena J. Patel, Mgr. Common Victualler's License
240 Lakeview Avenue
978 649-2707

Akesh, Inc. / License #129800038
DBA Bridgeview Convenience Store Wine & Malt Package Store License
Jayesh Patel, Mgr. Common Victualler's License
172 Middlesex Road
978 649-4380

Murco, Inc. / License #129800017
DBA Tyngsboro General Store Wine & Malt Package Store License
Shawn Murphy, Mgr. Common Victualler's License
130 Middlesex Road 978 649-9070

New England Wine Company, LTD / License #129800046
DBA Wine Society Wine & Malt Package Store License
Charles J. Saunders, Mgr. Common Victualler's License
18 Pondview Place **CLOSED – NO Facility**
978 649-8993

ALL ALCOHOLIC PACKAGE STORE LICENSES

P. Shiv, Inc./ License #129800045
DBA Flint's Corner Convenient Store All Alcoholic Package Store
Bhavin S. Patel, Mgr. Common Victualler's License
150 Westford Road 978 649-1476

The Liquor Shop Tyngsboro, Inc. License #129800052
DBA The Liquor Shop All Alcoholic Package Store License
George Miamis, Mgr.
440 Middlesex Road
978 649-

Ziemiak Enterprises, Inc. / License #129800024
DBA G & G Liquors All Alcoholic Package Store
David Ziemiak, Mgr.
22 Westford Road
978 649-3692



GENERAL LICENSES

American Multi-Cinema, Inc.
DBA AMC Theatres Tyngsboro 12
Vinny Vecchione, Mgr.
440 Middlesex Road
978 649-4158

Seating Capacity

1 st cinema - 172	7 th cinema - 171
2 nd cinema - 150	8 th cinema - 238
3 rd cinema - 126	9 th cinema - 360
4 th cinema - 360	10 th cinema - 125
5 th cinema - 238	11 th cinema - 150
6 th cinema - 171	12 th cinema - 172 =2,433

License # CV-51

General License - 12 movie screens
Common Victualler's License

AMC Theatres, Attn: Gene Davis, Licenses and Permits
920 Main St, Kansas City, MO 64105 – 816 221-4000 ext.385
Fax 816 480-4735

NAMCO, Cybertainment, Inc.
At: AMC Theatres Tyngsboro 12
Attn: Doreen Collins
877 Supreme Drive
Bensenville, IL 60106

License # Automatic Amusement 51

Auto Amuse. Device, 1 Gauntlet Legends, 1 Hollywood Photo,
1 Pinnacle Crane, 1 Point Blank, 1 Sega Super GT Twin,
1 Gauntlet 3, 1-18 Wheeler, 2-The Last Bounty Hunter
630-238-2200 Ext. 2276

Funtageous, Inc,
DBA Funtageous
Joseph & Liosa DiPilato
18 Pondview Place
978 430-4657
Capacity

License # CV- 74

Public Entertainment License - Arcade
Common Victualler's License

Auto Amuse Devices License Fast Track Air Hockey Table,
Great American Junior Air Hockey; 2Eagle Pool Table
Pump It Up Dance Floor; Mad Wave Motion Theater; Need for
2Speed Underground; Nick Toons Racing; Tekken 5; 2Maximum
Speed Recovery; Maximum Crossfire Paintball; Bulldozer Kiddy
Ride; Pool Table.
Weekday/Sunday Entertainment License

Hoffman Family Golf, Inc.
DBA Max's Golf
Peter Hoffman, Mgr.
383 Middlesex Road
978 649-2020

License #CV-38

Common Victualler's License
Weekday/Sunday Entertainment
Public Amusement – Golf Driving Range

Seating Capacity
1st floor - 4

Mailing Address: 24 Tupelo Rd, Swampscott, Ma 01907

Hudson Roller, Inc.
DBA Roller Kingdom
Leland Thiese, Mgr.
355 Middlesex Road PO Box 355
978 649-3439

License # CV-49

General License - Roller Skating
Common Victualler's License

Auto Amuse Devices License 1 Wheel of Fortune, 1 Fast
Rack, 1 Hoop Fever, 1 Cyclone, 2 Ice Ball, 1 Wonder Wheel, 1 Ms
Pacman/Galaga, 1 Mighty Driver, 1 Daytona USA , 1-Pinnacles, 1-Sports Arena
Weekday Entertainment License (Laser Tag)
Sunday Entertainment/Automatic Amusement License

Capacity
1st floor - 1,000
2nd floor - 40



Northeast Trust
DBA Skate III
James Schultz, Mgr.
355 Middlesex Road
978 649-7913

License # CV-50
General License - Ice Skating
Capacity
Red rink -1900/White rink -100/Blue rink -100

The Pines Restaurant
Gene & Colleen Gabriel, Mgr.
194 Frost Road
978 649-7662

Seating Capacity
1st floor - 39

License #CV-46
Common Victualler's License
Auto Amuse Device - 1 Riviera by Merit
Mailing Address: 34 Woodlawn St Tyngsborough, MA



COMMON VICTUALLER LICENSES

Akshrdham, LLC
DBA Lukoil/Mini-Mart
Jay Patel, Mgr.
397-399 Middlesex Road
978 649- 6120
Capacity
2 – Transient Customers

License #CV-40
Common Victualler's License
* 9 Sanford Road, Chelmsford, MA 01824
508 725-5526 or 978 256-5499

Rec'd 11/1/10
Paid \$75.00

ARAMARK Corp.
Greater Lowell Regional School
Cheryl Cole, Mgr.
250 Pawtucket Blvd
978 454-5411
Seating Capacity
Dining Room - 200

License # CV-31
Common Victualler's License

Rec'd 10/27/10
Paid \$75.00

Bittersweet Bake Shoppe
Lynne Donnelly, Mgr.
9 Kendall Road
978 649-2253

License # CV-74
Common Victualler's License

Brickhouse Pizza
Michael Brown & Brian Ackley
266 Middlesex Road
978 649-0744
Seating Capacity
1st floor - 30

License #CV-43
Common Victualler's License

Rec'd 10/27/10
Paid \$75.00

Comets
Michael Vachon, Mgr.
22 Westford Road
978 649-4646
Seating Capacity
1st floor –

License # CV-68
Common Victualler's license

Rec'd 10/25/10
Paid \$75.00

Country View Diner
Arben Kameniku
171 Middlesex Road
978-649-1396
Seating Capacity
1st floor - 30

License # CV-48
Common Victualler's License

Rec'd 10/26/10
Paid \$75.00

Global Montello Group, Corp/Mobil #2701
DBA On The Run Store
Edward J. Faneuil, Mgr.
95-99 Westford Road
978 649-4321 FAX 978 649-7757

License #CV-41
Common Victualler's License
Mail to: Alliance Energy LLC, Legal Dept
404 Wyman Street Suite 425, Waltham, MA 02154
*56 Gatewood Drive, Needham, MA 02492 (781 398-4211)

Rec'd 11/10/10
Paid \$75.00



COMMON VICTUALLER'S LICENSES cont'd

Kentucky Fried Chicken
Vincent Goggin, Mgr.
440 Middlesex Road
978 649-4237
Seating Capacity
1st floor - 40

License #CV-36
Common Victualler's License
Mail to: 6 Tacoma Circle, Nashua, NH 03061

Rec'd 11/2/10
Paid \$75.00

Lake East Restaurant
Xin Yun, Inc.
Xiao Yun Wang, Mgr.
240 Lakeview Avenue
978 649-2250
Seating Capacity
1st floor - 20

License #CV-37
Common Victualler's License
25 Winthrop Ave. #2 Quincy, MA 02170

Rec'd 10/25/10
Paid \$75.00

Lakeside Pizza
George Bousios, Mgr.
24 Parham Road
Tyngsborough, Ma 01879
978 649-8880
Seating Capacity
1st floor - 8

License #CV-66
Common Victualler's License

Rec'd 10/19/10
Paid \$75.00

L'l Lobster Boat, LLC
440 Middlesex Road
978 649-1995
Seating Capacity
1st floor - 40

License #CV-69
Common Victualler's License
Mail - Stephen Varrieur, 21 Woodhawk Way, Litchfield, NH 03052

Rec'd 10/22/10
Paid \$75.00

Pizza Pizzazz
Ellen Raikos, Mgr.
130 Middlesex Road
978 649-9912
Seating Capacity
1st floor - 14

License #CV-42
Common Victualler's License



COMMON VICTUALLER'S LICENSES cont'd

Sal's Pizza
Keith Tassinari, Mgr.
440 Middlesex Road
978 649-
Seating Capacity
1st Floor -

License #CV-
Common Victualler's License

Rec'd 11/1/10
Paid \$75.00

Skate 3 Snack Bar
Alec Shortianitis, Mgr
355 Middlesex Road
978 649-4022
Seating Capacity
1st floor - 42

License #CV-44
Common Victualler's License

Rec'd 11/10/10
Paid \$75.00

Sullivan Farms Ice Cream
Robert Sullivan, Mgr.
176 Middlesex Road
978 649-9202 or 978 256-3464

License #CV-45
Common Victualler's License
Mailing Address: 10 Moonbeam Ave Chelmsford, MA

Tyngsborough House of Pizza
Thomas Lafferty, Mgr.
92 Middlesex Road

License #CV-55
Common Victualler's License

Tyngsboro-Op, LLC
DBA Dunkin Donuts
440 Middlesex Road
978 649-9398
Seating Capacity
1st floor - 44

License #CV-34
Common Victualler's License
Mail to: NGP Management, LLC, Attn: Shari 3 Pluff Ave
North Reading, MA 01844
978 898-1200

Rec'd 10/28/10
Paid \$75.00

Whitson's Culinary Group
Michelle Hevey, Mgr.
Tyngsborough School Cafeterias
Jr. Sr. High School
Norris Road
Seating Capacity
Early Childhood Dev Center Cafeteria - 300
Elementary Café - 538
Junior High Café - 500
Senior High Café - 500

License # CV-47
Common Victualler's License

Rec'd 11/17/10
Fee Waived



Class I, II, III Licenses Renewed for Calendar Year 2011

CLASS I LICENSE

New England Transit Sales
George Logan
30 Progress Avenue
Tyngsborough, MA 01879

License # 1C-65

Rec'd 10/20/10
Paid \$100.00

CLASS II LICENSES

Auto Related, Inc.
DBA Modern Auto Sales
Joe Caggiano and Todd Sevigny, Mgr.
271 Middlesex Road
978 649-8855

License # 2C-55

Rec'd 10/18/10
Paid \$100.00

RESTRICTIONS: No more than 100 saleable vehicles on the premises at any given time with the following conditions: 1) no parking of motor vehicles on the buffer strip (6 ft back from the road), 2) no storage/repairs of motor vehicles/parts on the premises, 3) no holiday streamers or flags.

Flanders Family Trailers Sales, LLC
DBA Forrest Marine and RV
Bruce & Susan Flanders
426 Middlesex Road
978 649-7211

License # 2C-53

Rec'd 10/25/10
Paid \$100.00

RESTRICTIONS: No more than 20 saleable vehicles on the premises of which no more than 10 saleable vehicles may be passenger vehicles, at any given time.

LCM Auto Sales
Louis and Christine Mechalides
8 Davis Street
978 6497127 or 978 649-3182

License # 2C-54

Rec'd 11/4/10
Paid \$100.00

RESTRICTIONS: No more than 10 saleable vehicles on the premises at any given time.



CLASS II LICENSES Cont'd

Performance Sales, Inc.
Ron Greenwood
28 Westford Road
978 649-9293

License # 2C-57

14 Crosby Lane, Chelmsford, MA 01824

Rec'd 10/27/10
Paid \$100.00

RESTRICTIONS: No more than 15 saleable motor vehicles on the premises at any given time, with the following conditions: 1) no parking of motor vehicle on the buffer strip, 2) no repairs or storage of motor vehicles/parts within public view, and 3) no holiday streamers or flags.

Tyngsboro Equipment
George Guilmette
P. O. Box 129
978 251-3689

License # 2C-59
(Brokerage License)

Rec'd 10/25/10
Paid \$100.00

RESTRICTIONS: No motor vehicles on the premises at any given time.

Tyngsboro Motor Sales, Inc.
John Griffith
370 Middlesex Road
978 649-7933 or 978 649-8637

License # 2C-58

Rec'd 11/2/10
Paid \$100.00

RESTRICTIONS: No more than 65 saleable motor vehicles on the premises with the following conditions: 1) no parking of motor vehicles on the buffer strip (6 ft back from the road), 2) no repairs of motor vehicles, and no storage of parts within public view, 3) no holiday streamers or flags, 4) this facility is not to be a general repair garage and, 5) the licensee must maintain the catch basin and insure that there will be no dumping of hazardous material in said catch basin.

Tyngsborough Muffler and Brake
Frank Acker
166 Lakeview Avenue
978 649-7163

FID/SSN #

License # 2C-72

Rec'd 10/19/10
Paid \$100.00

RESTRICTIONS: No more than 5 saleable vehicles on the premises at any given time

NOTE

The Board of Selectmen, at their June 12, 1995 meeting voted unanimously to put a moratorium on the number of Class II Licenses issued. The Board capped the licenses at 10.



CLASS III JUNK CAR LICENSE

A. G. Pennino & Co.
39 Middlesex Road
Tyngsborough, MA 01879

License # 3C-63
Special Permit/Board of Selectmen
Mailing Address: Alfred Pennino, 264 Park Avenue
Arlington, MA 02174

Rec'd 11/4/10
Paid \$100.00

RESTRICTIONS: 1) No more than 4 construction or heavy equipment vehicles may be stored, parked, or displayed for sale at any one time in the designated vehicle sales area. Only construction and heavy equipment vehicles may be parked for sale, and all other motor vehicles of any kind whatsoever including automobiles or their parts shall not be sold on the premises. 2) No partially disassembled or dismantled construction or heavy equipment vehicle or any other kind of motor vehicle whatsoever shall be stored on the premises in the public view. 3) The Licensee shall comply at all times with the Zoning by-laws and Sign by-laws; and, in particular, the licensee shall not display pennants or flags of any kind or in any way whatsoever, except, one flag of the United States of America may be properly displayed.

Tech Heng Enterprises
DBA Tech Heng Used Auto Parts
47 Middlesex Road
978 649-6584

Michael Ing, Proprietor License # 3C-60

Rec'd 10/18/10
Paid \$100.00

RESTRICTIONS: All junk to be shielded from public view. *NOTE - Also has a general license to park tractors and trailers on the premises.

Duff's Garage, Inc.
Warren W. Allgrove, Jr.
90, 92, 94 Kendall Road
978 649-7651

License # 3C-61

Rec'd 10/25/10
Paid \$100.00

RESTRICTIONS: NONE

GENERAL LICENSE FOR TAXICAB/LIMOUSINE SERVICE

Taxicab/Limousine Service Licenses

R. M. Limousine Service

Robin McCarthy

150 Westford Road

Harris Limousine Service

DBA Harris Limousine

Jason Harris, Mgr.

276 Middlesex Road